The City Council of the City of Raleigh met in a regular session on Tuesday, October 1, 1985, at 1:00 p.m. in the Raleigh Municipal Building, 222 West Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend JoAnn Verburg, Hillyer Memorial Christian Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - SUBSTANCE ABUSE AWARENESS MONTH - PROCLAIMED

Mayor Upchurch indicated Governor Martin is participating in the kickoff of the Substance Abuse Awareness Month at Enloe High School today. He read a proclamation proclaiming the month of October as Substance Abuse Awareness Month in the City of Raleigh.

***PROCLAMATION - NATIONAL COSMETOLOGY MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the month of October as the National Cosmetology Month in the City of Raleigh. The proclamation was accepted by Donald Bussey, president of the Raleigh Hairdressers Association and Mrs. Pat Phillips, vice president of that association. Mr. Bussey explained the charity work that the Raleigh Hairdressers Association participate in pointing out the organization has over 120 members in the City of Raleigh.

***PRESENTATION - CERTIFICATE OF CONFORMANCE IN FINANCIAL REPORTING - PRESENTED

Mayor Upchurch indicated the City of Raleigh has received a Certificate of Conformance in Financial Reporting. He explained this is the highest form of recognition and governmental accounting and financial reporting. He also explained that Z. Bryan Hill had been presented an award of Financial Reporting Achievement explaining this award is presented to the individual designated by the government as primarily responsible for its having earned the certificate. He indicated this award has been received by the City for several years pointing out it is not only presented to Mr. Hill but the entire City staff and the staff in the Finance Department. Mayor Upchurch, on behalf of the City Council, expressed appreciation to Mr. Hill and Mr. Benton for the efforts of the entire staff in helping the City be recognized in this way again.

***GLENWOOD AVENUE BEAUTIFICATION - CONTRIBUTION - RECEIVED

Mayor Upchurch explained several months ago, John C. Williams presented the City with a check and challenged other business people along Glenwood Avenue between Oberlin Road and the Beltline to make contributions to help in a beautification program for Glenwood Avenue. Mayor Upchurch presented a check from Former Mayor Jyles J. Coggins in the amount of $1,000 to be used for this purpose. Mayor Upchurch, in accepting the check on behalf of the City expressed appreciation to Mr. Coggins for this effort.

Mayor Upchurch recognized Judy Coggins, a law student at Campbell University, who is attending the meeting as a part of her school work indicating Ms. Coggins is the daughter of Jyles J. Coggins.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. He explained if a Councillor requests discussion on an item, the item would be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda is roll call vote. Mr. Congleton withdrew the channelization changes relating to Wake Forest/Falls of Neuse Road. Ms. Block withdrew the item relating to the sanitary sewer easement disposal on U.S. 70 West and Change Order EC-1 - Green Road Park. Mr. Congleton moved that Administration's recommendation from the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PRIVILEGE LICENSE - VARIOUS LOCATIONS - APPROVED

(1) This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Carol B. Sexton. She will be conducting her business at the YWCA, located at 1012 Oberlin Road. The

Police report indicates approval.

Recommendation: That approval be granted.

(2) This is an application for a massage business license for "Health Ecology," located at 400 Oberlin Road, Suite 100. The owner, Veronica Lynn Vela, is the individual making the application. City Code Section 12-2134 requires City Council approval before a license may be issued for a massage business. Police, Building/Zoning, and Fire reports indicate approval.

Recommendation: That approval be granted.

(3) This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Veronica Lynn Vela. She will be conducting her business at "Health Ecology," located at 400 Oberlin Road, Suite 100. The Police report indicates approval.

Recommendation: That approval be granted.

Consent Agenda approval: Congleton/Babb - 8 ayes.

***GRANTS - YOUNG VOLUNTEERS IN ACTION - ACCEPTANCE AND BUDGET AUTHORIZED

The City has received notice of a grant award to continue this project for a second year. The grant amount is $20,000 and the City contributes $5,000 of In-Kind services and equipment.

Recommendation: That the grant be accepted and the budget amendment as outlined on the Agenda be approved. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 640.

***GRANTS - MILLBROOK EXCHANGE PARK - ACCEPTANCE AND BUDGET AUTHORIZED

The 1985 General Assembly has appropriated $5,000 for Millbrook Exchange Park. These are to be used to purchase equipment to benefit the senior citizens and the general public: Billiard table, shuffleboard, and horseshoe.

Recommendation: That the Council accept the grant and approve the budget amendment as was outlined on the Agenda. Consent Agenda approval: Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 640

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget be amended as follows to reflect acceptance of an increase in an FHWA participating Grant for bridge rehabilitation to cover 80% of Change Order G-1:

Revenue:	32-1-0050-0101	FHWA - Yadkin Bridge	$64,438.32
Expense:	32-2-5000-0101	"A" Yadkin Bridge Repair	64,438.32

Section 2. That the Budget be amended as follows to accept contribution from Jyles J. Coggins:

Revenue:	37-1-0070-0200	Misc. Income	$ 1,000.00
Expense:	37-2-3000-0194	Glenwood Landscaping	1,000.00

Section 3. That the Budget be amended as follows to reflect acceptance of Action grant for Young Volunteers in Action, 2nd year:

Revenue:	02-1-2200-0100	Action - YVA	$20,000.00
	02-1-2200-0101	In-Kind YVA	5,000.00
Expense:	02-2-2200-0000	Action - YVA	$ -0-
	02-2-2200-0100	Salaries	15,142.00
	02-2-2200-0101	Fringe Benefits	2,817.00
	02-2-2200-0102	In-Kind	5,000.00
	02-2-2200-0231	Travel	850.00
	02-2-2200-0265	Volunteer Recognition	196.00
	02-2-2200-0266	Volunteer Insurance	270.00
	02-2-2200-0268	Volunteer Travel	725.00

Section 4. That the Budget be amended as follows to place into an expenditure account an appropriate from the 1985 N.C. General Assembly for the purchase of a billiard table and to construct shuffle board court and horse shoe pits at Millbrook Exchange Park:

Revenue:	37-1-0070-0200	Misc. Income	$ 5,000.00

Expense:	37-2-8530-0210	Millbrook Imp.	5,000.00

Section 5. That the Budget be amended as follows to increase the RSVP Grant for 1985 to cover additional expense of salaries and fringe benefits:

Revenue:	02-1-4490-0103	Fund 19 Prior Reserve	$ 3,467.00
Expense:	02-2-4490-0100	Salaries	$ 2,277.00
	02-2-4490-0101	Fringes	1,190.00

Adopted: 10/1/85

***RSVP GRANT APPLICATION - SUBMITTAL APPROVED; ADMINISTRATION TO SEEK FUNDS FROM WAKE COUNTY

The annual application for the RSVP grant program has been prepared. The application involves requiring City matching funds of $54,690. This is above the budget of $43,224. Many of the benefits of this program extend beyond the City into Wake County, and funding support should be sought from Wake County.

Recommendation: That the City Council approve submittal of the grant application for RSVP funds and direct the City Administration to seek funds from Wake County to support the local funding requirements of this program with final acceptance of the grant to be reviewed by the Council along with the response from the County. Consent Agenda approval: Congleton/Babb - 8 ayes.

***STREET AND UTILITY IMPROVEMENTS - ATLANTIC AVENUE/SPRING FOREST ROAD - RESOLUTION OF INTENT ADOPTED

The final phase of Atlantic Avenue is the extension from Millbrook Road to Litchford Road. Spring Forest Road from the existing pavement, east of Seaboard Railroad, west to Spring Forest Road is a part of this project. A public hearing on these proposed projects is necessary.

Recommendation: That the Council approve a public hearing on road improvements and water line improvements for these two projects with the hearing being November 5, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes.

RESOLUTION NO. (1985) - 954

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

(a) Installation of curbs, gutters, drains and paving 21 feet back-to-back on Cooke Street between East Edenton Street and Jones Street.

(b) Installation of curbs, gutters, drains and paving 65 feet back-to-back for an extension of Atlantic Avenue between Millbrook Road and Litchford Road with sidewalks on both sides.

(c) Installation of curbs, gutters, drains and paving 65 feet back-to-back, an extension from Spring Forest Road from the existing pavement, east of Sea Board Railroad, west to Spring Forest Road with installation of sidewalks on both sides.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of

the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. New sidewalk construction or extension shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that new sidewalks be constructed or extended on one side and assessed against property abutting both sides. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street and sidewalk improvements assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 5th day of November, 1985 at 7:00, in the Council Chamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina or as soon thereafter as the matter can be reached.

Adopted: 10/1/85

RESOLUTION NO. (1985) - 960

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

PU 1985-25 - Installation of approximately 800 feet of 24-inch and 1,750 feet of 12-inch water main from an existing 24-inch water main stub continuing for approximately 800 lineal feet and 24-inch water main southeasternly along the proposed Spring Forest Road allignment to the proposed 42-inch water main of proposed Atlantic Avenue; thence easterly from the said 42-inch water main to McHines Place with a 12-inch water main for approximately 1,750 lineal feet.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and

privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 5th day of November, 1985, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 10/1/85

***PERRY CREEK/NEUSE RIVER SANITARY SEWER LINE - RESOLUTION ADOPTED

Wake County desires to use all of its wastewater grant funding from the State to aid in meeting their financial obligation to this project. Accordingly, the County Commissioners have adopted a resolution transferring their $1,272,494 appropriation to the City. To do so, a resolution needs to be adopted by the City Council. A copy of the resolution was included in the Agenda packet.

Recommendation: That the City Council adopt the resolution as requested by Wake County. Consent Agenda approval: Congleton/Babb - 8 ayes.

RESOLUTION NO. (1985) 955

TOWN OF RALEIGH RESOLUTION

WHEREAS, the 1985 North Carolina General Assembly appropriated funds in each year of the 1985-1987 biennium to support up to 50% of the nonfederal cost for water and sewer construction projects of local governments; and

WHEREAS, the North Carolina Office of Budget and Management has notified local governments of the estimate of each government's possible water and wastewater grant allocation from these state funds appropriated for water and sewer construction projects; and

WHEREAS, the North Carolina General Assembly bill - Senate Bill 2, Chapter 480, Section 5.12(3), 1985 Session Laws - requires that a local government unit's board adopt a resolution indicating the unit's intent to proceed with an eligible project in order to initiate the process of applying for a grant award; and

WHEREAS, the Wake County Board of Commissioners on September 3, 1985, adopted a resolution indicating the County's intent to proceed with the Perry Creek Sewer Facilities Project and to transfer all of its state grant wastewater allocation, currently estimated to be $1,272,494.00, up to 50% of the County's funding of these sewer facilities to the City of Raleigh which is administering the construction of this project;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the City of Raleigh will proceed with the Perry Creek Sewer Facilities Project, herein described, after a copy of this resolution is filed with the North Carolina Office of Budget and Management within 15 days of adoption:

A. Project Description: Perry Creek Facilities: Construction of 48", 36", 24", and 18" gravity sewers as necessary to provide primary wastewater collection in the Perry Creek Basin and transportation to the existing City of Raleigh Wastewater Collection Systems. The City of Raleigh is administering this project.

B. Population To Be Served: Entire population of the Perry Creek Basin.

C. Purpose: To service the current population of the Perry Creek Basin as well as to allow further development in the basin.

D. Estimated Project Cost: 9.3 million dollars.
Of this total, Wake County will fund one-third or up to 3.1 million dollars of the cost. The City of Raleigh will fund one-third of the cost (3.1 million dollars) and area property owners will fund one-third of the cost (3.1 million dollars). In its "Resolution Regarding Wake County Water and Sewer Grant from the State of North Carolina (R-85-168)," the Wake County Board of Commissioners certified that Wake County had budgeted funds of $3,100,000.00 for this Perry Creek Sewer Facilities Project in the Wake County Capital Projects Water and Sewer Fund.

E. Funding Source of Wake County's One-Third of Project Cost: General Fund Revenue

Section II. That the City of Raleigh requests that a grant award equal to the Wake County wastewater grant allocation, currently estimated to be $1,272,494.00 (or $636,247.00 per year of the biennium), but not more than 50% of the County's anticipated expenditures for this project be awarded to the City of Raleigh by the

North Carolina Office of Budget and Management from the transferred Wake County state grant wastewater allocation. The City of Raleigh acknowledges that any grant award from Wake County's transferred allocation for the Perry Creek Sewer Facilities Project constitutes partial funding of Wake County's share of this project's cost.

***SALT STORAGE FACILITY - ARCHITECTURAL SERVICE - CONTRACT AWARDED TO ORFI AND UNDERHILL - FUNDS APPROPRIATED

The Capital Improvements Program includes funding for a salt storage facility and equipment storage area. The salt storage facility is a unique structure, and the Administration proposes the firm of Orfi and Underhill of Elmira, New York, to provide construction plans and documents, bids review, and construction monitoring. The design fee would be $6,500.

Recommendation: That the firm of Orfi and Underhill be retained for a fixed fee of $6,500. Consent Agenda approval: Congleton/ Babb - 8 ayes. See Ordinance 641 TF 6.

***HOUSING AUTHORITY/CITY OF RALEIGH AGREEMENT - AMENDMENT - AUTHORIZED

The City and the Housing Authority have an agreement covering commitments to provide City services to public housing projects. At this time, the maximum number of units in this agreement is 2,278. We are approaching that number in units being served. It is desired to increase the maximum number to 2,500 units. A copy of the proposed amendment was included in the Agenda packet. This supports the Authority's request to HUD for additional units by confirming that the City will provide City services to such units.

Recommendation: That the proposed amendment be approved. Consent Agenda approval: Congleton/Babb - 8 ayes.

RESOLUTION NO. (1985) - 961

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO COOPERATION AGREEMENT

WHEREAS, the Housing Authority of the City of Raleigh (herein called the "Local Authority") and The City of Raleigh, North Carolina (herein called the "Municipality") desire to enter into an Amendment to the Cooperation Agreement dated November 15, 1949, as amended March 22, 1956, as amended November 7, 1966, as amended September 26, 1968, as amended June 1, 1970, and as amended April 5, 1979, in connection with the development of low-rent housing units pursuant to the United States Housing Act of 1937 as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH as follows:

1. That the Local Authority and the Municipality enter into an Amendment to the Cooperation Agreement to increase the number of units from 2,278 to 2,500;

2. That the Mayor of the City of Raleigh is hereby authorized to execute same on behalf of the Municipality and the City Clerk to attest the same and affix thereto the seal of th Municipality, said amendment being in substantially the form attached hereto.

Adopted: 10/1/85

***DURANT ROAD - SANITARY SEWER LINE AGREEMENT - APPROVED

The developer of property on Durant Road in the Perry Creek Basin is installing sewer lines under the standard agreement with the City to convey them to the City. A section of the line will be in a railroad right-of-way and an easement agreement is necessary. A copy of the proposed agreement was included in the Agenda packet.

Recommendation: That the agreement be approved. Consent Agenda approval: Congleton/Babb - 8 ayes.

RESOLUTION NO. (1985) 962

Be it resolved by the City Council in regular meeting assembled that the Mayor of said City be, and he hereby is, authorized to enter into an agreement with the SEABOARD SYSTEM RAILROAD, INC., and THE DURANT GROUP, and to sign same on behalf of said City whereby said Railroad Company grants unto the Developer the right or license to maintain an 8-inch PVC waste water main along the right-of-way of said Railroad at Raleigh, North Carolina, as particularly described in said agreement, which agreement is dated July 23, 1985, a copy of which agreement is filed with the City Council.

I certifiy the above to be a true and correct copy.

/s/ Gail Smith
Clerk

***LIMOUSINE SERVICE FRANCHISE - SEAGRAVES LIMOUSINE SERVICE - APPROVED ON FIRST READING; TO BE PLACED ON 10/15/85 AGENDA

An application has been received from the following to operate a limousine service. The application has been checked and meets the requirements of the City Code.

Samuel Seagraves, Seagraves Limousine Service (New Franchise)

Recommendation: That the application for the limousine service franchise be approved with the understanding the application would be placed on the Council Agenda for October 15, 1985, for second and final consideration. Consent Agenda approval: Congleton/Babb - 8 ayes.

***RSVP GRANT - BUDGET AMENDMENT - AUTHORIZED

The Agenda presented a budget amendment in the amount of $3,467.00 which is needed to increase the RSVP Grant for 1985 to cover additional expense of salaries and fringe benefits. It was pointed out the source of funding is 19-1-2700-0220.

Recommendation: Administration recommends approval of the budget amendment as outlined. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 640.

***REIMBURSEMENT CONTRACTS - WAKE COUNTY - APPROVED

The following reimbursable contracts have been prepared for Council approval and the Mayor's signature. Costs have been certified by the Public Utilities and Engineering Departments:

(1) Contract 16-#1
Wake County
Major Sewer Main Extension off Crabtree Outfall
$160,296.83

(2) Contract 19-#3
Wake County
Major Water Main Extension in New Hope Road
$99,000.00

Recommendation: Administration recommends approval of the utility reimbursement contracts as outlined. Consent Agenda approval: Congleton/Babb - 8 ayes.

***ACREAGE FEE REIMBURSEMENT CONTRACT - DEVELOPMENT ASSOCIATES - APPROVED

The following reimbursable contract has been prepared for Council approval and the Mayor's signature. Costs have been certified by the Engineering Department:

Water Area 8, No. 26
Development Associates, Inc.
12-inch Water Main - Leesville and Glendower Roads
$30,059.58

Recommendation: Administration recommends approval of the acreage fee reimbursement contract as outlined. Consent Agenda approval: Congleton/Babb - 8 ayes.

***MILLBROOK EXCHANGE PARK POOL - CHANGE ORDER G-1 - MANAGER'S ACTIONS UPHELD

Change Order G-1 - Security Building Company, Inc., relating to Millbrook Exchange Park was presented with it being pointed out this has been administratively approved by the City Manager according to Council procedure. This is to add seven days to the contract due to inclement weather which prevented work and no funds are involved.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Congleton/Babb - 8 ayes.

***LAKE JOHNSON POOL - CHANGE ORDER P-5 - MANAGER'S ACTIONS UPHELD

The Agenda indicated the City Manager has administratively approved Change Order P-5 - AAA Electrical Company, Inc. The change order is for an addition of $246.15 and relates to maintenance and operation of the filtration system. The Agenda outlined code accounts that should be amended relating to this change order. It was explained that the City Manager has administratively approved this change order according to Council procedure.

Recommendation: Concurrence with the Manager's action is recommended as well as authorization for the transfer as outlined on the Agenda. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 641 TF 6.

***GREEN ROAD PARK CENTER - CHANGE ORDER EC-2 - MANAGER'S ACTIONS UPHELD

The Agenda presented Change Order EC-2 - Watson Electric Construction Company relating to Green Road Park Center. The change order relates to the installation of a ground wire for the telephone equipment board and is an addition of $40. The City Manager has administratively approved the change order and transfer as outlined on the Agenda.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Congleton/Babb - 8 ayes.

***PW 1983-8 - REHABILITATION OF YADKIN DRIVE BRIDGE - CHANGE ORDER G-1 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order G-1 - Columbus Contractors, Inc., relating to the rehabilitation of the Yadkin Drive bridge over Crabtree. The change order is for an addition of $80,547.90 and relates to contract time and closure time extended for 105 days as well as increase in the Class II concrete work. The Agenda outlined budget accounts that should be amended if the change order is authorized.

Recommendation: Approval of the change order and transfers as outlined on the Agenda. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 641 TF 6.

***CIVIC CENTER - CHANGE ORDER G-5 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order G-5 - McDevitt and Street Company which is an addition of $6,023. This relates to work in the lower addition, Phase I of the Civic Center. The Agenda outlined the reason for the change order as well as budget accounts that need to be amended if the change order is approved.

Recommendation: Approval of the change order and transfer as outlined on the Agenda. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 641 TF 6.

***GREEN ROAD PARK CENTER - CHANGE ORDERS GC-4, GC-5 AND GC-6 - APPROVED - FUNDS APPROPRIATED

The Agenda presented the following change orders relating to Green Road Park Center and the contract with LBA, Inc.: GC-4 - a deduction of $1,768.41; GC-5 - an addition of $3,400.00; GC-6 - addition of $10,741.00.

The Agenda outlined the reasons for these change orders as well as budget accounts that need to be amended if the change orders are approved.

Recommendation: Approval of the change orders and related transfers is recommended. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 641 TF 6.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS UPHELD

Council Members received in their Agenda packet a list of administrative transfers that have been approved according to Council policy. The transfers were as follows:

FROM	TO	AMOUNT
01-2-5020-0260	01-2-5010-0282	$868.50
01-2-5030-0260	01-2-5010-0282	463.50
01-2-5060-0225	01-2-5010-0282	729.00
43-2-3420-0107	43-2-3420-0106	200.00
01-2-1200-0231	01-2-1200-0703	40.00
01-2-1130-0700	01-2-1130-0226	622.00

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Congleton/Babb - 8 ayes.

***TRANSFERS - WITHIN VARIOUS DEPARTMENTS - APPROVED

The Agenda presented a list of transfers related to the departments of Community Development and Finance. The Agenda outlined the need for the transfers and budget accounts and amounts that would be affected.

Recommendation: Administration recommends approval of the transfers as outlined. Consent Agenda approval: Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 641 TF 6

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 37-2-1000-0100	Council Reserve	$ 246.15
To 38-2-2030-0205	Lake Johnson Pool - Plumbing	246.15

Purpose: Change Order - Lake Johnson Pool - AAA Electrical Company, Inc. - P-5.

From 34-2-3410-0100	Equipment Ser. Depot	$ 6,500.00
To 34-2-3410-0102	Engr. - Salt Facility	6,500.00

Purpose: Winter Storms Operations Facility - architectural services - PW 1985-11.

From 32-2-5000-0100	Bridge Repair	$16,109.58
To 32-2-5000-0101	Bridge Repair 'A'	16,109.58

Purpose: Providing matching funds for change order G-1 to general contract.

From 40-2-1516-0105	Miscellaneous	$ 6,023.00
To 40-2-1516-0101	Civic Center Underground Passageway	6,023.00

Purpose: Change Order - Civic Center Lower Lobby Addition, Phase I, McDevitt and Street Company - G-5.

From 38-2-3040-0101	Green Road A	$ 1,768.41
To 38-2-3040-0100	Green Road Park Center	1,768.41

Purpose: Green Road Park Center - LDA, Inc. - GC-4.

From 38-2-3040-0100	Green Road Park Center	$ 3,400.00
To 38-2-3040-0101	Green Road A	3,400.00

Purpose: Green Road Park Center - LDA, Inc. - GC-5.

From 38-2-3040-0100	Green Road Park Center	$ 7,000.00
38-2-3040-0102		3,741.00
To 38-2-3040-0101	Green Road A	10,741.00

Purpose: Green Road Park Center - LDA, Inc. - GC-6.

From 43-2-3090-0100	Salaries	$ 1,967.90
To 43-2-3090-0101	Fringes	1,967.90

Purpose: To correct cost overruns created by cost of living increases.

From 43-2-2010-0100	Salaries	$ 2,504.03
To 43-2-2010-0103	Salaries Temporary	2,504.03

Purpose: To correct cost overruns created with cost of living increases.

From 34-2-3930-0100	City Market	$ 3,000.00
To 34-2-3930-0104	City Market	3,000.00

Purpose: To create a misc. line item to cover expenses incurred to clean 325 S. Blount Street.

From 43-2-2020-0100	Acq. of Real Property	$ 1,950.00
To 43-2-2020-0200	Eng./Opp. Site	1,950.00

Purpose: To establish an account for Eng. Opportunity Site.

From 01-2-1040-0001	Council Contingency	$20,000.00
To 01-2-1210-0101	Salaries/Contractural	20,000.00

Purpose: To provide funding in the Personnel Department's budget to segregate charges for contractural part time services costs.

From 01-2-1040-0001	Council Contingency	$70,000.00
To 01-2-4130-0102	Salaries - Overtimes	70,000.00

Purpose: To supplement account relating to FLSA requirements.

Adopted: 10/1/85

***BID REQUEST 85-17 - FIRE HYDRANTS - BID AWARDED TO SOUTHERN METER AND SUPPLY COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on September 19, 1985, for fire hydrants with results as follows: Southern Meter and Supply Company - $22,461.25; The Poe Corporation - $24,125.00; Davis Meter and Supply Company - $24,484.25; PYCO Supply Company - $24,610.50.

Recommendation: Administration recommends that low bid submitted by Southern Meter and Supply Company be awarded. Consent Agenda approval: Congleton/Babb - 8 ayes.

***BID REQUEST 85-18 - ROUGH TERRAIN HYDRAULIC CRANE - BID AWARDED TO SPARTAN EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on September 19, 1985, for a rough terrain hydraulic crane with results as follows: Spartan Equipment Company - $153,431.00; L. B. Smith, Inc. - $155,915.00.

Recommendation: Administration recommends the low bid submitted by Spartan Equipment Company be awarded. Consent Agenda approval: Congleton/Babb - 8 ayes.

***BID REQUEST 85-19 - FOUR MATERIAL SPREADERS - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on September 19, 1985, for four material spreaders less trade with results as follows: North Carolina Equipment Company - $19,172.00; E. F. Craven Company - $20,332.00; A. E. Finley and Associates - $23,632.00.

Recommendation: Administration recommends the low bid submitted by North Carolina Equipment Company be awarded. Consent Agenda approval: Congleton/Babb - 8 ayes.

***BID REQUEST 85-20 - AERIAL TREE TRUCK - BID AWARDED TO USI EQUIPMENT CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on September 19, 1985, for an aerial tree truck with results as follows: USI Equipment Corporation - $66,555.00; Power Equipment Company - $68,250.00.

Recommendation: Administration recommends award of the low bid of USI Equipment Corporation. Consent Agenda approval: Congleton/ Babb - 8 ayes.

***BID REQUEST 85-21 - FARM TRACTOR - BID AWARDED TO SENTER SANDERS TRACTOR CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on September 19, 1985, for a farm tractor with results as follows: Senter Sanders Tractor Corporation - $15,650.00; Best Equipment Company - $16,400.00; Revels Tractor Company, Inc. - $18,195.00.

Recommendation: Administration recommends the low bid submitted by Senter Sanders Tractor Corporation be awarded. Consent Agenda approval: Congleton/Babb - 8 ayes.

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to No Parking revisions on Jackson Street; No Turn on Red restrictions on Canterbury Drive, southbound at Wade Avenue; parking revisions relating to the 200 Block of West Davie and traffic controls relating to stop and yield signs in various locations.

Recommendation: Administration recommends approval of the changes in the Traffic Code as outlined. Consent Agenda approval: Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 642

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 1B entitled, "NO TURN ON RED" be amended by adding the following:

Canterbury Drive, southbound at Wade Avenue

Section 2. That Traffic Schedule No. 2 entitled, "STOP SIGNS" be amended by adding the following:

Beaufort Street at Hertford Street
Carrington Drive at Colesbury Drive
Colesbury Drive at Harps Mill Drive
Lindenshire Drive at Thorpshire Drive
Shellnut Road at Thorpshire Drive
Shenandoah Drive at Lawrence Avenue
Thorpshire Drive at Colesbury Drive

Section 3. That Traffic Schedule No. 3 entitled, "YIELD SIGNS" be amended by adding the following:

Bell Drive at Friar Tuck Road
Lindenshire Drive at Carrington Drive
McAdams Drive at Greywood Drive
Pine knoll Drive at Greywood Drive
Quinley place at McAdams Drive
Quinley Place at Pine Knoll Drive

Section 4. That Traffic Schedule No. 6C2 entitled "CHANNELIZATION" be amended by deleting the following:

Falls of Neuse Road, southbound at Wake Forest Road
Wake Forest Road, northbound at Falls of Neuse Road
Wake Forest Road, southbound at Navaho Drive
Wake Forest Road, southbound at New Hope Church Road

Section 5. That Traffic Schedule No. 6D8 entitled, "CHANNELIZATION" be amended by deleting the following:

Wake Forest Road northbound at New Hope Church Road

Section 6. That Traffic Schedule No. 6D4 entitled, "CHANNELIZATION" be amended by adding the following:

Falls of Neuse Road northbound at Old Wake Forest Road
Falls of Neuse Road northbound at Millbrook Road
Falls of Neuse Road southbound at Millbrook Road
Falls of Neuse Road southbound at Old Wake Forest Road
Wake Forest Road northbound at Bland Road
Wake Forest Road southbound at Bland Road
Wake Forest Road northbound at Navaho Drive
Wake Forest Road southbound at Navaho Drive
Wake Forest Road northbound at New Hope Church Road
Wake Forest Road southbound at New Hope Church Road

Section 7. That Traffic Schedule No. 15 entitled, "NO PARKING" be amended by deleting the following:

Davie Street, south side, beginning at a point 137 feet east of McDowell Street, eastward to Gale Street
Davie Street, south side, beginning at McDowell Street, eastward 98 feet
Jackson Street, south side, beginning at a point 200 feet east of Whitmore Drive, westward 825 feet

Section 8. That all laws and clauses of laws in conflict herewith are hereby repealed to the extend of such conflict.

Section 9. That this ordinance shall become effective October 8, 1985.

Adopted: 10/1/85

Effective: 10/8/85

**** END OF THE CONSENT AGENDA ****

***SANITARY SEWER EASEMENT - DISPOSAL - CLERK AUTHORIZED TO ADVERTISE

In 1983, the City acquired a sanitary sewer easement across a lot on U.S. 70 West, adjacent to Brookhaven. At that time, it was needed to serve undeveloped property which had been annexed. Subsequently, the plans for development of the property have changed and the easement is not necessary. A sewer line has not been installed. The property owner affected has requested the easement be removed.

Recommendation: That the Council approve the procedure for disposing of this easement and authorize the City Clerk to advertise the easement for sale with a minimum price of $1,300.

Ms. Block indicated she withdrew the item from the Consent Agenda questioning if sewer will not be needed at this location at some time in the future. City Manager Benton explained how we acquired the easement pointing out at the time we were planning for providing sewer in the Brookhaven area, there was a lot that could not be served without this easement. He indicated therefore the easement was purchased. He explained there was a sewer line along the rear of the lot but because of topo, it was felt that it would be difficult to serve this lot from the existing sewer. He stated, however, both lots are now under one ownership and they can be developed in an orderly fashion and served by the sewer to the rear, therefore, there is no need for the easement. Ms. Block moved Administration's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***GREEN ROAD PARK CENTER - CHANGE ORDER EC-1 - APPROVED

City Manager Benton indicated he had administratively approved Change Order EC-1 - Watson Electric Construction Company relating to Green Road Park. It was pointed out this was an addition of $169 and was needed to change all electrical device plates for receptacles and switches from plastic to stainless steel. Ms. Block indicated she had withdrawn this from the Consent Agenda pointing out while the charge was not that much, she wondered about the need. City Manager Benton indicated when we originally bid Green Road Park Center, it come in over budget and a number of compromises were made. Mr. Walters pointed out for commercial use, it is better to have the stainless steel pointing out plastic does not hold up well. After discussion, Mr. Walters moved approval of the Manager's action on the change order. His motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TRAFFIC - CHANNELIZATION CHANGES - WAKE FOREST/FALLS OF NEUSE ROAD - ORDINANCE ADOPTED; STATE REQUESTED TO MOVE AHEAD ON STUDY

It is recommended that the traffic schedule be changed to reflect channelization changes on Wake Forest Road and Falls of Neuse Road from Millbrook Road to the Beltline.

These entries to the traffic schedules are needed to reflect changes made by the NCDOT as part of the Wake Forest Road/Falls of Neuse relaning project.

Mr. Congleton indicated he withdrew this item from the Consent Agenda pointing out a couple of meetings ago, he asked Administration to look at the seven lane situation on Wake Forest Road and questioned if Administration had an opportunity to study this dangerous situation. City Manager Benton indicated he did provide a report in an informational memo on this item pointing out the State DOT started this project and came to the City with the proposal for the seven lanes and it was approved. He indicated the State has agreed to make an evaluation in conjunction with the City's staff. He indicated the lanes are already marked on the street and this puts the existing situation into a legal position and we need to do this no matter what the outcome of the study. Mr. Congleton indicated he is still getting a lot of calls on this item. He pointed out we keep comparing Wake Forest Road to Six Forks Road but it is not the same situation. He indicated when you are in the center lane on Six Forks, you can go into the turn lane or the shoulder but on Wake Forest Road, there is nowhere to go. He indicated he would move approval of the channelization changes as outlined on the Agenda but asked Administration to encourage the State to move ahead with the study as soon as possible. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 642.

SPECIAL ITEMS

***REZONING Z-60-85 - OLD WAKE FOREST ROAD - PROPERTY REZONED TO O&I-III

The Law and Finance Committee, on the September 17 Agenda, recommended that this request for rezoning from Residential-6 to Office and Institution-I be denied. At the request of Ms. Babb, it was agreed to hold action on this item and place it on this Agenda for consideration.

Mr. Congleton indicated in Law and Finance Committee, the Committee only looked at the possibility of rezoning the property to O&I-I and the Committee made a recommendation for denial. He stated, however, he had talked with some of the people in the area as well as the applicant, therefore, he would move that the property covered by Application Z-60-85 be rezoned to Office and Institution-III. His motion was seconded by Ms. Babb. Discussion took place as to how this property may develop with it being pointed out O&I-III does not allow any residential development. Mr. Keller pointed out he has no problems with the O&I-III proposal pointing out he did not feel that O&I-I was good for the property. He stated, however, it is a transition area and he feels that O&I-III would be acceptable. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted. See Ordinance 643 ZC 170.

***OLD CITY MARKET - REDEVELOPMENT BONDS - HEARING - COMMENTS RECEIVED

This was a hearing before the City Council, meeting as the City Council and the Redevelopment Commission, to consider the approval, pursuant to 26 UFC 103(k) of the Internal Revenue Code, of $4,000,000 in redevelopment bonds for use and funding a portion of the Old City Market Redevelopment Area.

Downtown Planner Betts explained the proposed plans for the Old City Market complex pointing out the project involves some 17 buildings in the Moore Square area and the proposed development by City Market Associates. He explained the redevelopment bonds, interest rates and how the bonds would be issued, etc. He also explained the agreements that would be required between the City, the developer and the banks and how this project will be financed. He indicated the bond attorneys are available at the meeting to answer any questions. The Mayor opened the hearing to the public.

Bernadine Weddington, 4814 Brookhaven Drive, presented the following prepared statement:

"Today could be a great day for the City Market. You have several decisions to make.

- One is to approve or reject the issuance of $4,000,000 in redevelopment bonds, the proceeds of which would be loaned to Cranston Development Corporation by NCNB.

- Another is to extend or cancel the City's contract with Cranston.

- And yet another is to seek an alternative plan.

Mr. Walters, you signed the contract with Cranston, on behalf of the City, on June 29, 1983 -- over two years ago. The contract has been extended three times, with the last deadline being September 17, 1985. All deadlines have been missed and nothing has been delivered by Cranston. It is obvious to even the most naive that to continue this relationship with Cranston is not a good idea and is wasteful of the taxpayers' money.

However, you can bite the bullet and end this fiasco. You can cancel the contract with Cranston, amend the bond statement to substitute local businesses as recipients, and support those businesses that have taken the gamble -- so far without City help -- to locate in the market area.

Success for the City Market area will come only from an environment which encourages ongoing, stable activities that can realize a continuing financial return -- not from the contrived false atmosphere created by the nebulous festive approach. If you really wanted to promote such an approach in this area, you should have chosen Moore Square for next year's International Festival.

You once encouraged local people to come downtown. Now you are condemning their property. They have shown their good faith. Have you?

You have the fiscal and moral responsibility to the taxpayers of Raleigh to move on with -- or out of -- this project. I hope you will choose to go with local people who have put forth their money -- their time -- their work -- and their commitment."

City Attorney McCormick indicated the property would be subject to the underlying deed of trust. He indicated the original conveyance has restrictions as to how the property could be used so the City is protected. No one else asked to be heard, thus, the hearing was closed.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. The following items were removed as indicated: Congleton - CR-5789 (PA-103-85), CR-5811 (Z-116-85); Keller - CR-5791 (SC-41-85) and CR-5792 (S-163-85); Cates - CR-5806 (Z-67-85); Block - CR-5807 (Z-108-85), CR-5808 (Z-111-85), CR-5811 (Z-116-85) and CR-5817 (Z-126-85). Ms. Babb asked to be excused from participation on the following three items: CR-5797 (S-164-85), CR-5808 (Z-111-85) and CR-5809 (Z-112-85). Without objection, these items were removed from the Consent Agenda and Ms. Babb was excused from participation on the items as indicated. Mr. Congleton moved the Planning Commission's recommendations be upheld on the remaining items on the Consent Agenda. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUBDIVISION S-91-85 - EMERALD CHASE CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide as a cluster unit development 100.2 acres, zoned Residential-4, into 227 lots and 139 townhouse units.

The property is located south of Strickland Road and adjacent to the Lead Mine Road Extension, outside the City Limits.

CR-5618 from the Planning Commission recommended that this request be approved according to a map entitled, "Emerald Chase," the property of Walsmith Associates, drawn by Jerry Turner and Associates, dated September 16, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; (2) that the change to the Comprehensive Plan to reclassify Lead Mine Road from a major thoroughfare to a minor thoroughfare be approved by the City Council; and, (3) that an annexation petition be submitted for the subject property; and that the City Council accept the 13.63 acres of greenway dedicated along upper Lead Mine Creek. Consent Agenda approval: Congleton/ Babb - 8 ayes.

***SUBDIVISION S-154-85 - GOODMAN TOYOTA-SAAB - APPROVED

This was a request for approval to subdivide a 6.4 acre tract into two lots, zoned Industrial-I and Conservation/Buffer.

The property is located on the east side of U.S. 1 North, just north of its intersection with Trawick Road, inside the City Limits.

CR-5775 from the Planning Commission recommended that this request be approved according to a map entitled, "Goodman Toyota/Saab, Inc., 3100 North Boulevard," the property of Richard V. Goodman, submitted by Bass, Nixon and Kennedy, dated October, 1984. Consent Agenda approval: Congleton/Babb - 8 ayes.

***PA-125-85 - STONEYBROOK APARTMENTS REVISION - APPROVED

This was a request for approval to revise the site plan for Stoneybrook Apartments (PA-111/GH-119, approved November 4, 1980). The 14.1 acre site is zoned Office and Institution-II. Twelve units were added to bring the total to 108 units; 140 units are allowed.

The property is located on the northeast corner of Brentwood and Timberlake Roads, inside the City Limits.

CR-5790 from the Planning Commission recommended that this request be approved according to a map entitled, "Stoneybrook Apartments - Revision," the property of York Family Properties, drawn by John A. Edwards and Company, dated August, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SC-46-85 - JOHN WEST AUTO SERVICE CENTER ADDITION - APPROVED WITH CONDITION

This was a request for approval to place a prefabricated metal storage building adjacent to the existing John West Auto Service Center. Access to the addition cannot be gained from the interior of the existing structure. The 0.8 acre lot is zoned Shopping Center.

The property is located on the northwest corner of Whitaker Mill Road and Bernard Avenue, inside the City Limits. .

CR-5793 from the Planning Commission recommended that this request be approved according to a map entitled, "John West Auto Service Center Addition," the property of J. W. York, drawn by John A. Edwards and Company, dated September 17, 1985, with the condition that the color of the addition conform to that of the existing structure. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-81-85 - WHEELER PARK CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide as a cluster unit development a 20.19 acre parcel, zoned Residential-4, into 66 lots.

The property is located on the east side of Lake Wheeler Road and adjacent to the northern boundary of Carolina Pines Park, inside the City Limits.

CR-5794 from the Planning Commission recommended that this request be approved according to a map entitled, "Wheeler Park - A Cluster Development," the property of CB&S, drawn by Jerry Turner and Associates, dated July 8, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and, (2) that an agreement be signed by representatives of both the property owner and the City concerning the conditions for the transfer of park property for public right-of-way. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-153-85 - SHELDON DRIVE PHASE 1 REVISED - APPROVED WITH CONDITIONS

This was a request for approval to construct and subdivide seven structures on three lots, zoned Residential-20, into four condominium units (Lot 1) and 26 townhouse units for sale.

The property is located on the north side of Sheldon Drive, just south of its intersection with Rush Street, inside the City Limits..

CR-5795 from the Planning Commission recommended that this request be approved according to a map entitled, "Sheldon Drive, Phase 1," the property of Bragg Associates, submitted by Envirotek, Incorporated, revised date September 18, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; (2) that no plats for townhouse units on Lots 2 or 3 be recorded until the right-of-way, offered for dedication on the plat recorded at MB 1985, page 929, is closed; and, (2) that a recombination map be recorded prior to recording any maps of individual townhouse units. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-158-85 - SHELDON DRIVE PHASE 2 REVISED - APPROVED WITH CONDITIONS

This was a request for approval to construct and subdivide twelve structures on five lots, zoned residential-20, into 58 townhouse units.

The property is located at the south side of Sheldon Drive, across from the intersection with Boone Trail, inside the City Limits.

CR-5796 from the Planning Commission recommended that this request be approved according to a map entitled, "Sheldon Drive, Phase 2," the property of Bragg Associates, submitted by Envirotek, Incorporated, revised date September 18, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and, (2) that the cross-access agreements for all lots onto Seagram's Court, a private drive, and parking agreements for Lots 4 and 5 be reviewed and approved by the City Attorney's Office prior to the recording of final plats. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-164-85 - BROADLANDS CLUSTER UNIT, PHASES III AND V - APPROVED WITH CONDITIONS; PUBLIC HEARING AUTHORIZED TO CONSIDER ADDING BROADLANDS DRIVE TO CITY THOROUGHFARE PLAN AS COLLECTOR STREET

This was a request for approval to subdivide as a cluster unit development and annex into the existing Broadlands cluster unit development a total of 35 acres with 9.7 acres zoned Residential-6 and 25.3 acres zoned Residential-15. Phase III will include 100 single-family lots and 48 condominium units. Phase V will include 300 condominium units.

The property is located south of a private drive, West Jameson Road, in the Broadlands cluster unit development which is located south of Trawick Road and north of Skycrest Drive, outside the City Limits.

CR-5797 from the Planning Commission recommended that this request be approved according to a map entitled, "Broadlands, Phases III and V," the property of Edd K. Roberts, drawn by Barrett Kays and Associates, dated September 19, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and, (2) that a detailed landscaping plan be approved for the condominium project prior to the issuance of building permits.

It is further recommended that Broadlands Drive be added to the City Thoroughfare Plan as a collector street to insure that adequate circulation is provided for the Broadlands cluster unit development and surrounding developments and that Broadlands Drive connect with the proposed Raleigh Boulevard thoroughfare. Consent Agenda approval: Congleton/Babb - 7 ayes (Babb excused during vote on the Consent Agenda).

***SUBDIVISION S-167-85 AND PA-62-85 - THE SUMMIT AT AVENT FERRY CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS; CITY TO ACCEPT DEDICATION OF GREENWAY

This was a request for approval to construct as a cluster unit development 238 condominium units in 10 buildings on a total of 26.59 acres with 24.02 acres zoned Residential-10 and 2.57 acres zoned Conservation/Buffer. Approval is also requested to transfer a density of 12 units from the Conservation/Buffer area.

The property is located on the east side of Lake Dam Road and at the southern extension of Crabborchards Drive, inside the City Limits.

CR-5798 from the Planning Commission recommended that this request be approved according to a map entitled, "The Summit at Avent Ferry, Phase II," the property of Avent Ferry Associates, drawn by Jerry Turner and Associates, dated September 16, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and that the City Council accept the dedication of 5.6± acres of greenway along Walnut Creek. Consent Agenda approval: Congleton/Babb - 8 ayes.

***CP-8-85 - COLLECTOR STREET PLAN - AMENDED BY ADDING STREETS

This was a request for approval to amend the Collector Street Plan of the Comprehensive Plan to include the designation of Memory Road and an unnamed proposed street between Old Wake Forest Road and Falls of Neuse Road as a part of the Major Street Plan of the Comprehensive Plan.

CR-5803 from the Planning Commission recommended that CP-8-85 be approved according to the resolution and map attached to CR-5802. Consent Agenda approval: Congleton/Babb - 8 ayes.

RESOLUTION (1985) - 956

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-8-85

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to the City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning this to development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Memory Road Area, revisions to the collector Street Plan are needed in the area bounded by Old Wake Forest Road, Falls of Neuse Road and Millbrook Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that the Collector Street plan of the Comprehensive Plan be amended to include certain proposed Collector Streets in the Memory Road Area as in the attached amendment number CP-8-85.

Adopted: 10/1/85

***REZONING Z-53-84 - HARDEN ROAD - TO BE REFILED AS CONDITIONAL USE APPLICATION

This was a request for approval to refile a conditional use zoning application on Z-53-84.

CR-5804 from the Planning Commission recommended that permission be granted for a conditional use rezoning application to be refiled on Z-53-84. Consent Agenda approval: Congleton/Babb - 8 ayes.

***REZONING Z-57-85 - U.S. 1 NORTH - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 99.5 acres from Industrial-I and Office and Institution-III (first 50 feet from the highway) to Thoroughfare District.

CR-5805 from the Planning Commission recommended that Z-57-85 be approved as amended; that is, (A) that the southern portion (south of the shopping center) be rezoned to Thoroughfare District as requested, and that the northern portion of the request be deferred and considered at the same time as recommendation (C); (B) that the Planning staff contact the property owner to the north of this northern parcel about filing a Thoroughfare zoning request; and, (C) that the Council authorize the Planning Department to file a rezoning application for Thoroughfare zoning on the remainder of the Broughton property in this area. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

***REZONING Z-112-85 - LYNN ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately nine acres from Shopping Center to Residential-10.

CR-5809 from the Planning Commission recommended that Z-112-85 be approved as requested. Ms. Block questioned if this is the case the adjacent property owners are objecting to with it being pointed out it is not. Consent Agenda approval: Congleton/Babb - 7 ayes (Ms. Babb excused during vote on the Consent Agenda). See Ordinance 643 ZC 170.

***REZONING Z-114-85 - SPRING FOREST ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 5.9 acres from Residential-4 to Office and Institution-III.

CR-5810 from the Planning Commission recommended that Z-114-85 be approved as requested. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

***REZONING Z-117-85 - DURANT ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 65 acres from Rural Residential to Residential-4.

CR-5812 from the Planning Commission recommended that Z-117-85 be approved as amended; that is, that Z-117-85 be rezoned to Residential-4, as requested, with a Conservation/Buffer along the north side of Simms Branch for approximately 2.6 acres. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

***REZONING Z-118-85 - GRESHAM'S LAKE ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 22 acres from Residential-4 to Industrial-I.

CR-5813 from the Planning Commission recommended that Z-118-85 be approved as amended; that is, that Z-118-85 be rezoned to Industrial-I, as requested, with a 50-foot Conservation/Buffer zone along the western property line. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

***REZONING Z-119-85 - U.S. 1 NORTH - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately three-fourths acre from Residential-6 to Industrial-I.

CR-5814 from the Planning Commission recommended that Z-119-85 be approved as requested. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

***REZONING Z-120-85 - SPRING FOREST ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half acre from Residential-6 to Residential-10.

CR-5815 from the Planning Commission recommended that Z-120-85 be approved as requested. Consent Agenda approval: Congleton/Babb - 8 ayes.

***REZONING Z-125-85 - OLD GARNER ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 5,000 square feet from Residential-20 to Office and Institution-I.

CR-5816 from the Planning Commission recommended that Z-125-85 be approved as requested. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

***REZONING Z-127-85 - SOUTH SAUNDERS STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 6.2 acres from Residential-4 to Neighborhood Business and Conservation/Buffer (a 40-foot strip along the entire west side of the request).

CR-5818 from the Planning Commission recommended that Z-127-85 be approved as requested. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

***REZONING Z-128-85 - DURHAM DRIVE - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.2 acres from Residential-10 to Industrial-I.

CR-5819 from the Planning Commission recommended that Z-128-85 be approved as amended; that is, that Z-128-85 be approved as requested only to the centerline of the proposed east-west street. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

***REZONING Z-129-85 - GORMAN STREET - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 33 acres from Residential-6 and Residential-10 to Residential-1, Residential-6, Residential-15, Residential-10, Residential-20, and Conservation/Buffer.

CR-5820 from the Planning Commission recommended that Z-129-85 be approved as amended by the applicant at the public hearing according to a revised map on file in the Planning Department entitled, "Kensington Park West, Zoning and Buffer Boundary," drawn by Glenn Ward and Associates, dated August 26, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 643 ZC 170.

**** END OF PLANNING COMMISSION CONSENT AGENDA ****

***PA-103-85 - LAKE PLAZA WEST - APPROVED; ACCESS COULD BE RESTRICTED AT LATER DATE

This was a request for approval to construct a five-story, 60-foot high, 815,860 square foot office building on 5.81 acres, zoned Office and Institution-I with a 25-foot Conservation/Buffer.

The property is located on the southeast corner of the intersection of Ridgefield Road and Spring Forest Road, inside the City Limits.

CR-5789 from the Planning Commission recommended that this request be approved according to a map entitled, "Lake Plaza West," the property of Linpro Company, drawn by Ballentine Associates, dated July 1, 1985.

Planning Director Chapman explained the plan. Mr. Congleton indicated he withdrew this item from the Agenda questioning access to and from Spring Forest Road. Planning Director Chapman indicated discussion did take place about restricting access to Spring Forest Road. He pointed out, however, it will be five lanes plus a turn lane in this area and the Department of Transportation felt it would be better to leave it now with the understanding that it could be restricted later if it creates traffic safety hazards. Mr. Congleton moved approval of the plan as recommended by the Planning Commission with the understanding that the City Council may at a later time restrict access to right turns only if unsafe traffic conditions are evident. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-41-85 - ASHTON SQUARE SHOPPING CENTER - APPROVED WITH CONDITIONS; SUBDIVISION S-163-85 - ASHTON SQUARE SHOPPING CENTER - APPROVED

SC-41-85 was a request for approval to construct a 170,200 square foot shopping center on 20.3 acres, zoned Industrial-I and Conservation/Buffer, on City utilities.

The property is located on U.S. 1 North, at the intersection of New Hope Church Road, partially inside the City Limits.

CR-5791 from the Planning Commission recommended that this request be approved according to a map entitled, "Ashton Square Shopping Center," the property of Ashton Properties, Incorporated, drawn by Envirotek, dated September 17, 1985, with the following conditions: (1) That the cross-access and parking agreements be reviewed and approved by the City Attorney's Office prior to the issuance of building permits; (2) that sign criteria for the entire shopping center, including outparcels, be submitted and approved by the City Council; and, (3) elevations for all outparcel buildings be submitted for review of architectural continuity throughout the shopping center.

Subdivision S-163-85 was a request for approval to subdivide three existing parcels into six parcels, to include one main parcel for the shopping center and five outparcels. The property is zoned Industrial-I and Conservation/Buffer, on City utilities.

The property is located on U.S. 1 North, at the intersection of New Hope Church Road, partially inside the City Limits.

CR-5792 from the Planning Commission recommended that this request be approved according to a map entitled, "Ashton Square Shopping Center," the property of Ashton Properties, Incorporated, drawn by Envirotek, Incorporated, dated September 17, 1985.

Planning Director Chapman explained the location and the plan. Mr. McNeely indicated the major discussion related to access points as it relates to traffic. Mr. Keller pointed out it looks to him as if we are creating a continuous shopping center in that area. Planning Director Chapman explained this entire area is designated metro focus. He stated uses to the south are primarily independent commercial properties and this particular property is zoned industrial. He stated within the metro focus areas, there is no spacing guidelines as it relates to shopping centers.

Ms. Block indicated there are two lakes in the middle of this property and it looks like the whole thing will be concrete. She questioned how drainage will be handled as well as where the Conservation/Buffer is located. Planning Director Chapman indicated the buffer is along the southern edge of the property to buffer this development from Raleigh Housing Authority development. He explained the drainage. Mr. Congleton questioned the sign criteria with Planning Director Chapman indicating the sign criteria would have to be approved by the City Council. Mr. Walters stated he had no problem with drainage but he does have a problem with traffic in this area. He stated this is an extremely bad intersection and he just needed some assurance that the traffic situation will be addressed. He explained that presently, traffic comes up onto Highway 1 from a bottom and he wants to make sure that with this new development that the traffic will not be coming up the hill as it does cause site problems. Ben Taylor indicated his client held this for two weeks in the Planning Commission as they wanted to work with the State and City DOT. He stated they are doing some additional work on New Hope Road to help all the traffic situation in this area. Mr. Walters explained he thought that the State DOT was going to move the light with Mr. Taylor indicating the whole area will be studied as it relates to traffic. He stated they will be handling all of the water pointing out it will go through the site and into the structure at New Hope Church Road. He stated they will be doing their best to dissipate the water.

Ms. Cates indicated she felt that everyone was concerned about the number of shopping centers in the City and here we have a shopping center going into industrial zoning pointing out she feels that this addresses further the need to do Code revisions and she hopes the next City Council will make this a top priority, that is, updating the Zoning Code. Ms. Babb moved the Planning Commission's recommendation on SC-41-85 and S-163-85 be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mrs. Block and Mr. Keller who voted in the negative. The Mayor ruled the motion adopted.

***REZONING Z-67-85 - U.S. 70 WEST - REFERRED TO THE PUBLIC WORKS COMMITTEE

***REZONING Z-67-85 - U.S. 70 WEST - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 300 acres from Industrial-I and Office and Institution-III (first 50 feet from the highway) to Thoroughfare District.

CR-5806 from the Planning Commission recommended that Z-67-85 be approved as requested.

Planning Director Chapman explained the request and the Planning Commission's recommendation. Chairman McNeely indicated the Thoroughfare District was conceived by the City Council and the Planning Commission. This request was made by the Planning Commission with the Council's concurrence and the Planning Commission unanimously felt it is a good recommendation. Ms. Cates pointed out her questions relate to Code requirements pointing out presently in Thoroughfare Districts, you can have 40 residential units per acre. She stated we are getting some high density in this area and she feels that the Council should take action on the pending text change relating to the number of residential units in various zones. She stated in addition, she feels that the City Council should look at the question of how far this type district should go back into Residential-4 development. Ms. Cates moved that rezoning Z-67-85 be referred to Public Works Committee. Ms. Block indicated her problem relates to the number of residential units allowed in Thoroughfare Districts pointing out this particular area is right across from Poyner Place which is one of the largest development ever in the City. She stated she hopes that Text Change 17 will come out of the Planning Commission soon. She stated in her opinion, maybe Thoroughfare District is highly appropriate for this area but she would like to see some restrictions on the number of residential units that can go in Thoroughfare District. Brief discussion took place with Mr. McNeely indicating right now this property is zoned industrial and he feels that that needs to be changed. Without objection, Ms. Cates' request that the matter be referred to Public Works Committee was upheld.

***REZONING Z-108-85 - DURALEIGH/EDWARDS MILL ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 10 acres from Office and Institution-III and Shopping Center to Office and Institution-I Conditional Use, and from Office and Institution-III to Shopping Center. The Office and Institution-I Conditional Use restrictions include: General office uses only, including medical. No residential units. Other limitations include 25-foot rear yard setback of buildings, 25-foot landscape buffer strip along northern portion... planted with evergreen plant material to act as buffer to residential uses, 40-foot maximum building height, only one point of access into the residential area at the eastern side of site, and shall only have access onto internal street system serving total commercial and office village area.

CR-5807 from the Planning Commission recommended that Z-108-85 be approved as amended; that is, that the buffer area referred to in the conditions also be along the western property line.

Planning Director Chapman explained the application and explained points of access. He indicated the application was amended as it relates to the buffer being extended to the western property line. Mr. McNeely indicated this is technically two small cases rolled into one. After brief discussion on the amendments to extend the buffer, Ms. Block moved that the case be approved as amended. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 643 ZC 170.

***REZONING Z-111-85 - LANCASHIRE DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 7.3 acres from Residential-4 to Residential-10.

CR-5808 from the Planning Commission recommended that Z-111-85 be approved as requested.

Planning Director Chapman explained the application with Mr. McNeely indicating the Planning Commission saw this as a case of extending the present plan to fit the development in the area. Ms. Block questioned if this is not the case that the neighborhood objected with it being pointed out there was no objections and the neighborhood supported it. After brief discussion, Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote with all members voting in the affirmative except Ms. Block who voted in the negative and Ms. Babb who was excused from participation during the vote on the Consent Agenda. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 643 ZC 170

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) U.S. 1 North, east side, between Spring Forest Road and Homestead Drive, being various parcels and portions of parcels, Tax Map 354 and 382, southern portion (south of the shopping Center) rezoned to Thoroughfare District, according to map on file in the City of Raleigh Planning Department. (Z-57-85)

(b) Old Wake Forest Road, east side, between Old Wake Forest Road and the Seaboard Railroad, opposite and to the south of Spring Forest Road, being Parcels 22-24, Tax Map 381, rezoned to Office and Institution-III. (Z-60-85)

(c) Duraleigh Road and Edwards Mill Road, northern corner of the intersection, being portions of Parcel 316, Tax Map 433, rezoned as follows according to map on file in the City of Raleigh Planning Department:
Approximately 10 acres rezoned to Office and Institution-I Conditional Use and Shopping Center. The Office and Institution-I Conditional Use restrictions include: General office uses only, including medical. No residential units. Other limitations include 25-foot rear yard setback of building, 25-foot landscape buffer strip along northern and western portion . . . planted with evergreen plant material to act as buffer, 40-foot maximum building height, only one point of access into the residential area at the eastern side of site, and shall only have access onto internal street system serving total commercial and office village area. (Z-108-85)

(d) Lancashire Drive, proposed, south side, north of Baywood Drive in Westavia Subdivison, being a portion of Parcel 195, Tax Map 348, and otherwise known as Phase 3-B of Brittany Woods Subdivision, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-111-85)

(e) Lynn Road, north side, between Glendower Road and Spring Drive (undeveloped), being Parcels 945-949, 952-964, 792, 794, 797-806, and a portion of Parcel 671, Tax Map 349 (Brittany Woods Subdivision Linen Map 2) rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-112-85).

(f) Spring Forest Road (Extension) between Falls of Neuse Road and Ridgefield Drive, being a portion of Parcel 29, Tax Map 352, rezoned to Office and Institution-III, according to map on file in the City of Raleigh Planniong Department. (Z-114-85)

(g) Durant Road, south side, between U.S. 1 and Falls of Neuse Road, being a portion of Parcel 20, Tax Map 284, rezoned to Residential-4 with a Conservation/Buffer along the north side of Simms Branch of Approximately 2.6 acres, according to map on file in the City of Raleigh Planning Department. (Z-117-85)

(h) Gresham's Lake Road, south side, between Northside Drive and Nichols Road, being Parcels 9 and 30, Tax Map 327, rezoned to Industrial-I with a 50-foot Conservation/Buffer zone along the western property line, according to map on file in the City of Raleigh Planning Department. (Z-118-85)

(i) U.S. 1 North, west side, between Spring Forst Road and Oak Forest Road, being a portion of Parcel 60, Tax Map 382, rezoned to Industrial-I, according to map on file in the City of Raleigh Planning Department. (Z-119-85)

(j) Spring Forest Road, south side, between Quail Ridge Road and Wake Forest Road, being a portion of Parcel 3, Tax Map 381, rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-120-85)

(k) Old Garner Road, west side, located at the southwest corner of the intersection of Garner Road and Bragg Street, being Parcel 7, Block B-221, Tax Map B-26, rezoned to Office and Institution-I. (Z-125-85)

(l) South Saunders Street, about 220 feet to the west, between Granite Road and Ileagnes Avenue, being a portion of Parcel 773, Tax Map 605, rezoned to Neighborhood Business and Conservation/Buffer (a 40-foot strip along the entire west side of the property), according to map on file in the City of Raleigh Planning Department. (Z-127-85)

(m) Durham Drive, north end, between Mechanical Drive and Tryon Road, being a portion of Parcel 12, Tax Map 631, rezoned to Industrial-I to the centerline of the proposed east-west street, according to map on file in the City of Raleigh Planning Department. (Z-128-85)

(n) Gorman Street, east and west sides, north side of Avent Ferry Road, including land on Octavia Street and King's Court, being portions of Parcels 259 and 297, Tax Map 549, rezoned to Residential-1, Residenetial-6, Residential-15, Residential-10, Residential-20 and Conservation/Buffer as amended by the applicant at the public hearing according to a map on file in the Planning Department, entitled, ""Kensington Park West, Zoning and Buffer Boundary," drawn by Glenn Ward and Associates, dated August 26, 1985. (Z-129-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 10/1/85

Effective: 10/1/85

***REZONING Z-116-85 - FALLS OF NEUSE ROAD - TO BE PLACED ON OCTOBER 15 AGENDA

This was a request for approval to rezone approximately 2.8 acres from Residential-4 to Office and Institution-III.

CR-5811 from the Planning Commission recommended that Z-116-85 be approved as requested.

Planning Director Chapman explained the application. Mr. McNeely indicated this case had no problems at all in the Planning Commission pointing out it does conform to the Comprehensive Plan and is considered suburban infill area that is following the same pattern as similar cases in the area. Mr. Congleton indicated he met with the property owners on this application as well as rezoning Z-115-85. He indicated they had concerns about buffers. He stated he would like to put Application Z-116-85 on hold and put it on the next Agenda and ask the Planning Commission to bring forward Application Z-116-85 so that they could be considered at the same time. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-126-85 - SOUTH SAUNDERS STREET - APPROVED ON FIRST READING; ITEM TO BE PLACED ON OCTOBER 15 AGENDA

This was a request for approval to rezone approximately one acre from Residential-6 to Neighborhood Business.

CR-5817 from the Planning Commission recommended that Z-126-85 be approved as requested.

Planning Director Chapman explained the request. Planning Commission Chairman McNeely indicated this area does fall within the clearly defined corridor which has been affected by the widening of South Saunders Street. He stated he feels that fact has made this property unusable for residential use. Ms. Block indicated the Caraleigh Neighborhood Association has always opposed rezoning of this property as they feel it is an encroachment into the neighborhood. Brief discussion took place, after which Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote with results as follows: ayes - Upchurch, Walters, Babb, Calloway, Cates; noes - Block, Congleton, Keller. The Mayor ruled the motion adopted. The Mayor announced that since this ordinance received only five votes, it would be approved on the first reading but would have to be placed on the October 15 Agenda for consideration on a second reading.

ORDINANCE NO. (1985) 644 ZC 171

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) South Saunders Street, east side, between Howard Street and Gilbert Avenue, being Parcel 1, Block 233, Tax Map 578, rezoned to Neighborhood Business District.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its final adoption.

Adopted: First Reading: 10/1/85
Second Reading: 10/15/85

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***TC-2-85 - PROCEDURE FOR GRANTING GRADING PERMITS - TO BE PLACED ON OCTOBER 15 AGENDA AS SPECIAL ITEM

Chairperson Block reported that included in the Council Members' Agenda packet is a copy of TC-2-85 as advertised. The Committee recommends adoption of this text change. (Action on this item was deferred at the September 17, 1985, Council Meeting.) Ms. Block indicated yesterday, Councilman Congleton asked for additional information and she had that information and would pass it out to Council Members. She stated maybe this should be studied further and she would suggest that we hold this until the next City Council Agenda for a vote. She stated she would give out the information that had been requested by Mr. Congleton. Mr. Congleton indicated he would like to see this held for two weeks pointing out he appreciated Ms. Block getting the information he requested so quickly. He explained people have expressed some concern about getting a copy and looking at this proposal. He explained the Public Works Committee and the Planning Commission spent a tremendous amount of time on this text change and he would like to have all of the information from both sides. Ms. Babb agreed pointing out she feels that we should look at all the alternatives and suggestions. Ms. Babb stated she feels that it should be held and within the next two weeks, the Council Members should avail themselves to all the correspondence that has been received especially the letter on this text change especially the letter from Penny Greene. Without objection, it was agreed to place this item on the October 15 Agenda as a special item.

***CANOPIES - NEW BUILDING CODE REQUIREMENTS ADOPTED; CANOPY AT ALLINGER'S - APPROVED CONDITIONALLY

Ms. Block reported the Council previously requested that Administration pursue, with the North Carolina State Building Council, a revision in the building code that would allow awnings at a height of 8 feet rather than the current 9-foot provision. This revision has now been approved which also allows for a 1-foot flexible valance that extends 7 feet above the sidewalk. The Committee recommends that Allinger's be advised they should obtain a building permit and recommends approval of an encroachment agreement for the existing awning. Included in Council Members Agenda packet was a proposed ordinance to amend the City Code to conform to the new building code requirements. The Committee recommends the adoption of this ordinance. Ms. Block pointed out the canopy is already up. After brief discussion, Ms. Block moved approval of the proposed ordinance as well as the Committee's recommendation relating to the canopy at Allinger's on West Hargett Street. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 645

AN ORDINANCE TO CONFORM THE RALEIGH CITY CODE TO RECENT STATE BUILDING CODE CHANGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 12-1001(a)(2)a. of the Raleigh City Code is hereby amended to delete the language: "nine (9) feet" in the first sentence thereof and in lieu thereof insert the following language: "eight (8) feet, excluding a flexible valance which may extent one additional foot."

Section 2. Subsection 12-1001(a)(2)b. of the Raleigh City Code is hereby amended to insert immediately after the language: "eight (8) feet" the following language: ", excluding a flexible valance which may extend one additional foot."

Section 3. The first sentence of subsection 12-1001(a)(2)c. of the Raleigh City Code is hereby amended to insert immediately before the period the following language: "or in the use of canvas, cloth of similar synthetic fabric-like materials, such coverings shall be treated so as to produce a flame spread no greater than twenty-five."

Section 4. All ordinances and clauses in conflict herewith are hereby repealed to the extend of said conflict.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance shall become effected five days following its adoption.

Adopted: 10/1/85

Effective: 10/6/85

***FERNDALE CONNECTOR - MUNICIPAL AGREEMENT - APPROVED

Ms. Block reported the Public Works Committee recommends approval of the Municipal Agreement between the City and the State Department of Transportation. (A copy of the agreement was included in the Agenda packet.) On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 958

WHEREAS, the North Carolina Department of Transportation and the City of Raleigh propose to make certain street and highway improvements consisting of the improvement and construction of Oberlin Road from Hillsborough Street to Clark Avenue as shown on the attached Exhibit "A;" and,

WHEREAS, the Department of Transportation and the City of Raleigh propose to enter into an agreement for construction of the aforementioned highway improvement whereby the City of Raleigh agrees to design the project plans, acquire the right-of-way, adjust utilities, award the construction contract, and supervise project construction, all without cost to the Department of Transportation; and,

NOW, THEREFORE, BE IT RESOLVED that the Oberlin Road Project, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

(SEAL)

/s/ Gail G. Smith
CLERK
MUNICIPALITY OF RALEIGH
NORTH CAROLINA

***SUBDIVISION S-121-85 - FRAZIER PROPERTY - APPROVED WITH CONDITIONS; RESOLUTION OF INTENT TO UNDERTAKE STREET IMPROVEMENTS ON COOKE STREET - ADOPTED

Ms. Block reported that the Public Works Committee recommends that this subdivision be approved according to a map entitled, "Preliminary Subdivision Plan, Frazier Property, Raleigh NC," the property of John Frazier, submitted by Boney and Associates, Inc., dated June 11, 1985. The Committee further recommends that the City set a public hearing to initiate a street paving project on Cooke Street between E. Edenton and Jones Streets. The street would be paved within the existing right-of-way at a width of 21 feet. The developer's cost for these improvements will be calculated on the basis of his being the subdivider of the property and he would pay his share of the actual cost prior to the construction of the street. (Reserved paving funds for this year have been obligated; therefore, this would be a project for the 1986-1987 fiscal year.) On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 954.

***TRAFFIC - REMOVAL OF PARKING SPACE ON EAST EDENTON STREET - APPROVED

Ms. Block reported the Public Works Committee recommends removal of one parking space on East Edenton Street, located in front of the offices of the North Carolina School Board Association, located immediately east of their driveway. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Walters talked about the proximity of this to the private parking lot with Mr. Calloway indicating the Public Works Committee's motion relates to the visual distance and the problems of turning into that parking lot, therefore, the need to remove parking from that space so that anyone entering or leaving can have good visual contact. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted. See Ordinance 642.

***PA-100-85 - TECHCON OFFICE BUILDING - APPROVED

Ms. Block reported the Public Works Committee recommends that this request to construct a 57,500 square foot, 3-story, 46-foot high office building on a 2.95 acre undeveloped parcel be approved according to a map entitled, "Techcon Office Building," developed by Techcon Office Development Company, drawn by McNeely Associates, dated July 1, 1985, revised July 19, 1985. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-104-85 AND GH-28-85 - CLARENDON OAKS - HELD IN PUBLIC WORKS COMMITTEE

Ms. Block reported the Public Works Committee recommends that this request be approved according to a map entitled, "Clarendon Oaks," the property of Clarendon Oaks Partnership, drawn by Woodrow L. Yonts, dated July 22, 1985, with the condition that the existing private drive is approved by the Engineering Department as meeting City Standards prior to building permit issuance, or the drive be reconstructed to meet City standards and that the drainage pipe, when relocated, will still drain into the current retention basin that runs off the existing parking lot. On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway.

Mr. Walters indicated he does not understand this recommendation questioning why the City does not require the developer to build Clarendon Crescent and have access onto it. He pointed out under the present proposal, the access would be through a private driveway. He stated there are already traffic problems in this area and this would be the only entrance and he just does not understand why the City doesn't require the street to be constructed and have access onto Clarendon Crescent. Ms. Cates indicated the Committee did not consider the access question, after which Ms. Cates made a substitute motion that this item be held in Committee to look at the concerns expressed by Mr. Walters. Her substitute motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-113-85 - BLUERIDGE TERRACE - APPROVED

Ms. Block reported the Public Works Committee recommends approval of this request according to a map entitled, "Blueridge Terrace," the property of PMC, Inc., drawn by Hakan/Corley Associates, dated July 31, 1985. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-155-85 - LITTLE LAKE HILL - APPROVED

Ms. Block reported the Public Works Committee recommends that this request be approved according to a map entitled, "Little Lake Hill, John E. Dougher, owner, Leonard Street, Raleigh, NC," the property of John E. Dougher, submitted by Larry I. Chasak, revised date September 2, 1985. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway.

Ms. Cates indicated she had real reservations about this proposal. She pointed out this is a two acre tract in the middle of an established neighborhood but she was told that it meets all Code requirements. Ms. Block stated she saw nothing legally wrong with the subdivision. Ms. Cates indicated this will create a residential service cul-de-sac and she just does not understand this new residential development in the middle of a residential neighborhood. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-159-85 - OLDE RALEIGH CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

Ms. Block reported the Public Works Committee recommends that this request be approved according to a map entitled, "Olde Raleigh Preliminary Subdivision Plat," the property of William R. Henderson, submitted by McNeely and Associates, revised date September 4, 1985, with the following conditions:

(1) That the street improvements to Laurel Hills Drive be postponed but the subdivider shall be liable for the improvements and will be allowed to make payments in lieu thereof or post a Letter of Credit for the street improvements;

(2) That the developer be responsible for providing access from the subdivision to Balsam Drive for emergency vehicles as approved by the Fire Department and the subdivider clear Balsam Drive right-of-way all the way to Boxwood; and,

(3) That legal documents be approved by the City Attorney's office prior to recording of any plats.

On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Brief discussion took place as to what was meant by the recommendation on the letter of credit and postponing the street improvement with Ms. Block indicating we would get a letter of credit or bond from the developer prior to issuance of building permits and it would be held until the improvements are done. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***PA-101-85 and S-136-85 - BLUE RIDGE ROAD CONDOMINIUMS - APPROVED WITH CONDITIONS

Ms. Block reported the Public Works Committee recommends that the request be approved according to a map entitled, "Blue Ridge Road Condominiums," developed by Seby B. Jones, drawn by Envirotek, Inc., dated July 1, 1985, revised July 30, 1985, with the following conditions:

(1) That a landscaping plan be approved by the staff prior to the issuance of building permits;

(2) That the area within the floodway along House Creek or an alternative route be reserved for Capital Area Greenway;

(3) That the developer dedicate a 10-foot easement (right-of-way) adjacent to his property on Blue Ridge Road and widen the road to the 53-foot minor thoroughfare width for the entire length along Blue Ridge Road; and,

(4) That the developer do additional widening to the north of the driveway within the existing right-of-way back to the north of the driveway to accommodate left turn traffic.

On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***YORK HANNOVER II PROJECT - AGREEMENT AMENDED

Mayor Upchurch explained our agreement with York Hannover is that the second building known as York Hannover II would be a hotel. He indicated there was a request relative to the change of use of this building. Representatives of York Hannover were at the meeting and presented a model which they indicated would give an idea of what could be built in this location. It was pointed out the model includes the building of approximately 25 floors and even though it is taller than One York Hannover, it is smaller in volume or floor space. They went over the site plan pointing out one of the ideas of putting Two York Hannover next to the hotel is that there could be some joint uses. The representatives explained the proposed new entrance to the hotel and office building as well as the underground garage. It was explained this is in the early pre-schematic feasibility stage and they would like input from the Council. It was indicated the issue today is related to the use of the building with it being pointed out that maybe the first three floors could be devoted to retail business, connected to the plaza and/or hotel. He explained they would utilize similar building materials, etc.

Ms. Cates questioned if this has been to the Downtown Advisory Committee with Mayor Upchurch indicating this has to do with the agreement that we are not necessarily approving any plan or height of a building. He indicated the Committee recommends that the agreement with York Hannover as it relates to Two Hannover Square be amended to allow York Hannover to construct a building of up to 25 floors plus mechanical with approximately 400,000 square feet of rentable space, with the understanding that the building can be used as a hotel, office, commercial, or any combination thereof. This is with the understanding that the City Council has final approval over the plans prior to construction.

Ms. Block again questioned if the Downtown Advisory Committee has looked at this with Ms. Babb pointing out the Downtown Committee specifically directed staff to get the documentation and have a presentation made to the Downtown Development Corporation as well as the Advisory Committee. Ms. Cates indicated she would like for them to look at the concept of having a building of 25 floors. Mr. Keller indicated we are not talking about the design that the only thing we are talking about today is expanding the possible use of the building. City Manager Benton indicated we had got into some of the schematics basically because of the proximity of the proposed building to the Radisson Hotel and we needed to do some schematic work to see whether a change in a use could be done pointing out the primary concern is the hotel and we want whatever is built on this location to be compatible and compliment the hotel. He indicated the substance before the Council today is the change in the use of the building and whether that can be done in a way that would compliment the hotel. Ms. Block indicated it looks like the recommendation of the Downtown Committee is saying we are approving a building of up to 25 floors plus mechanical with it being pointed out we had to determine whether a building could be constructed and be useable and not harm the hotel. Representatives of York Hannover indicated that One Hannover Square is almost a cube in nature and if we put a building such as that on the site in question, we would have a wall straight up against the hotel. He stated they went back to see if they could make the building skinnier and maybe taller so that we could get air and light to the hotel. He indicated the shaping of the new building would bring the height to about 25 floors pointing out the exact height had not been determined. He pointed out the taller the buildings the more expensive it is. Mr. Calloway indicated in view of the explanation that we are only approving the possible multiple use of the building in this location, he would move approval of the Downtown Committee's recommendation. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CITY MARKET PROJECT - CONTRACT WITH CRANSTON DEVELOPMENT CORPORATION EXTENDED TO 5:00 P.M. ON OCTOBER 15, 1985

Mayor Upchurch indicated the Downtown Committee recommends that the contract with Cranston Development Corporation be extended until 5 p.m. on October 15, 1985, as provided for in the agreement. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Walters indicated he made comments at the Downtown Committee relating to this item and he had response in writing from Cranston that he will share with the Council Members later. He stated he was concerned about the extensions that have been granted. Brief discussion took place about whether the contract had been extended previously with City Manager Benton indicating the agreement does give the City Council the option to grant an extension to October 15. He pointed out this would be a 28 day extension. Mayor Upchurch indicated all people involved feel that this is the thing to do but pointed out if the terms of the contract are not met by October 15, then it would be terminated. Mr. Walters pointed out this is in an extremely complicated thing and he does not feel that this recommendation is unreasonable. Ms. Cates pointed out she understands that the contract calls for deadlines for the City to put the land together by a certain date and questioned if we had the same right to request an extension with it being pointed out there is an extension option available. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***PARKING STUDY FOR DOWNTOWN - INFORMATION RECEIVED - ITEM RETAINED IN COMMITTEE

Mayor Upchurch explained as a matter of information, the Downtown Committee received a parking study conducted by Kimley Horn. The Committee is holding the item and asked Administration to study it and make recommendations back to the Committee. In the meantime, a presentation also is to be given to the Downtown Development Corporation as well as the Downtown Advisory Committee and they can make their comments and recommendations back to the Downtown Committee.

***SPECIAL BUSINESS DISTRICT EXEMPTED FROM OFF-STREET PARKING REQUIREMENTS - REQUEST TO ENLARGE - PUBLIC HEARING AUTHORIZED

Mayor Upchurch indicated the Downtown Committee recommends that the City Council initiate a text change to consider expanding the boundaries of the Special Business District which is exempted from off-street parking requirements by moving the western boundary from Harrington Street to the Southern Railroad. It is understood that this proposed text change would go to public hearing during the regular zoning hearings in November.

City Manager Benton indicated since the meeting, Administration has looked at this and he sent out in the Agenda packet proposed boundaries for expanding the area. He stated it is a little different than what was outlined by Mayor Upchurch and at the Downtown Committee Meeting as it was felt that we should look at the area along Hillsborough Street, etc. He explained the proposals which Administration recommends to be advertised for public hearing. Mayor Upchurch moved the amended boundaries be advertised. His motion was seconded by Ms. Babb. Ms. Block indicated this is another area where there would not be any parking required. She stated she just does not feel that she could vote for it. Mayor Upchurch explained it is felt that the City will be developing a policy that will require all downtown development to provide parking or fees in lieu of and this is just sending a matter to public hearing. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE WORK SESSION

***DOWNTOWN RALEIGH DEVELOPMENT CORPORATION - REMOVED FROM THE AGENDA

Mayor Upchurch indicated the Council, in Work Session, received a periodic report from the Downtown Raleigh Development Corporation. This item should be removed from the Agenda with no action taken.

With discussion, the item was removed from the Agenda.

***FLETCHER PARK MASTER PLAN - APPROVED WITH MODIFICATIONS AND VARIOUS PROVISIONS

Mayor Upchurch indicated the Council, in Work Session, voted to approve the Fletcher Park Master Plan with modifications to show the use of part of the site for a soccer play area and with removal of the Garris, Page, and Cole buildings. A copy of the revised plan was included in the Agenda packet. The Council motion also included the following provisions which are to be part of the Master Plan approval.

1. Park site to be developed for outdoor uses with total estimated cost of approximately $155,000. Facilities to be provided include a softball/informal field, tennis and basketball courts, lighting for the tennis and basketball courts, an informal performing arts area, picnic tables and benches, and general site improvements and paths.

2. No swimming pool will be constructed on the site.

3. The Smith and Massey buildings will be renovated as multiple use recreation centers, and off-street parking will be provided for these buildings. The estimated cost of these improvements is approximately $180,000.

4. The Garris building, will not be removed until the use by the Small Business and Technology Center has been discontinued.

5. If a suitable public use and funding plan for the Borden building is not approved within six months, this building will also be demolished.

On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Walters. Ms. Cates made a substitute motion that the Work Session recommendation be amended to defer for at least six months the demolition of the Garris building and to add to Item 5 that consideration be given to a funding plan for retention of either the Garris or Borden buildings during the next six months by the Public Works Committee. Discussion took place on Ms. Cates' amendment with Ms. Cates pointing out she is saying that the Garris building will not be demolished for at least six months and that the Public Works Committee will consider a funding plan for retention of either the Borden or Garris buildings. The amendment was accepted by Mayor Upchurch and Mr. Walters and the motion as amended was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE NOMINATING COMMITTEE

***APPOINTMENTS - VARIOUS - MADE

Mr. Walters reported during the September 17 Council Meeting, the following recommendations were made by the Nominating Committee. No nominations were made from the floor; therefore, it would be appropriate for the City Council to confirm the following appointments/reappointments:

Appearance Commission - David Malette, Jr.

Board of Adjustment - J. Tate Lanning

Arts Commission - Katie McKoy

Downtown Advisory Committee:

Transit Authority Liaison - Joseph Edwards
Planning Commission Liaison - Mary Smith

On behalf of the Committee, Mr. Walters moved the recommendations be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT FROM TRIANGLE J COUNCIL OF GOVERNMENTS

No report.

REPORT FROM THE RALEIGH HOUSING AUTHORITY

***RALEIGH HOUSING AUTHORITY BOARD OF DIRECTORS - REPORT - REFERRED TO LAW AND FINANCE COMMITTEE

Chairman James H. Colson, chairman of the Raleigh Housing Authority, was at the meeting indicating they were here to express appreciation to the Council for their support for low income housing in Raleigh and mandating a housing study to look at

the problem. He indicated the Housing Authority Board had a Work Session concerning that study and made some of the findings in their Work Session and they wanted to state their position to the Council. He indicated the Housing Authority is recommending that the Council continue their support for low income housing in Raleigh. He indicated Bob Jansen, who is the Housing Authority's representative on the Housing Task Force, would make a report on that meeting pointing out Council Members will receive a summary findings of the Work Session.

Mr. Jansen indicated there is an increased urgency for needing action to address the growing need for affordable housing in the City of Raleigh. He stated we do have a housing problem and that isn't new but the problem is that the deficit is growing so rapidly he fears it will tear at the fabric of our City. He stated a housing problem affects everyone, not just low income persons but it shapes the options of all people in their choice of housing. He indicated the private study did confirm the fact that there is a housing problem and too many residents spend too much for housing. He explained the study shows that one-third of our residents are required to use more than 30 percent of their income for housing. He stated there is a shortage and timing is crucial. He stated the City cannot expect the problem to be solved by State or Federal agencies explaining the trends have shifted back to the State Government as they were in 1935. He stated from colonial times, the states have felt it was their responsibility to care for the aged, poor, handicapped, etc., and we are back to where we were in 1935. He stated, however, now we do have more innovative schemes with dealing with solving housing shortage problems. He stated the City has a housing policy and while it isn't comprehensive, it does have valuable components such as the scattered site policy, commitment to Building Codes, etc. He indicated when some people tried to improve on procedures and ordinances to reduce the cost of housing, they discovered that those costs relating to procedures and Building Codes only contribute to about five percent of the cost of a house.

Mr. Jansen indicated the City of Raleigh has in place an excellent agency that could be utilized to help address this problem and that includes a nine member board and an excellent staff that has a good record of innovative planning and ability to bring in dollars to address the problem. He pointed out he felt the City of Raleigh has a talented and rich resource at its command and he feels they can address the problem if they have the money and resources available to them. He stated the City has begun an important step and had the housing study conducted and has appointed a task force to study that study. He indicated it is felt it is time for us to make some specific commitments and goals and explained what is taking place in Charlotte and Winston-Salem and their commitment to low income housing. He indicated it is their opinion that the City of Raleigh should agree to fund construction for at least 50 units per year and agree to acquire one site per year as a potential scattered site for low income housing. He stated the City should set aside 20 percent of the local sales tax revenue for assisted housing as the State has directed. He indicated he feels that the City Council should say that decent and affordable assisted housing is a priority of this Council and take action to show that.

Mr. Congleton indicated he had talked with some of these people and agree with everything that has been said. He indicated we need to try to do something before this City Council leaves office and he would like to refer this report to the Law and Finance Committee and they would try to come back with some recommendations. He stated he is not in any way trying to interfere with the actions of the other Housing Committee but maybe the Law and Finance Committee could help give this problem some direction. His motion was seconded by Mr. Calloway. Ms. Babb indicated she concurs with Mr. Congleton and she does feel it is time for this City Council to take a specific course of action in pulling together all of the studies ongoing to help solve the housing problem. She stated she feels it would be good if the Law and Finance Committee could develop an overall approach working with the groups that are in place. Ms. Cates indicated it is her opinion this Council has placed a high priority on housing and she is very pleased to hear, as she is on the campaign trail, all candidates saying they want to do something to address the housing needs throughout the City. She stated she would like to see us adopt a goal such as 50 units per year and she would like to see the Law and Finance Committee come up with recommendations that would make sure that Raleigh is doing better than Charlotte or Winston-Salem or other cities.

City Manager Benton indicated the City presently is putting about 10 percent of the sales tax revenue in housing. He indicated the State law says you can put up to 20 percent but does not direct that. He stated there have been activities under way that this City Council has placed in motion that will lead us to a number of housing units in the City. He indicated there is an ongoing project of approximately 92 units on the Weinstein property, 20 units with the Raleigh Housing Authority and the City has purchased land in Caraleigh for scattered site housing. The motion as stated was put a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***THOROUGHFARE CONFLICT - 1612 BICKETT BOULEVARD - REFERRED TO THE REAL ESTATE COMMITTEE

A building permit application has been filed to construct a duplex dwelling at 1612 Bickett Boulevard. This location is in conflict with the Thoroughfare Plan which provides for a street extension from Bickett Boulevard to Pershing Road.

Recommendation: That this item be referred to the Real Estate Committee to consider acquisition of the property necessary to protect the route for the proposed thoroughfare. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ARTS TOGETHER, INC. PROJECT - TO BE CONSIDERED IN 1986 CAPITAL IMPROVEMENTS PROGRAM; MAYOR AUTHORIZED TO WRITE LETTER

The City Administration was requested to review the proposal for providing City funds to Arts Together, Inc., to be used to renovate Tucker Carriage House. Attached in the Agenda packet was a copy of an administrative review and a copy of a recent letter. The request is for a $25,000 grant and a $75,000 interest-free loan to be used to renovate the Tucker Carriage House.

The City must evaluate such proposals in terms of whether the expenditure will serve a public purpose. The Arts Together, Inc., is a private, nonprofit organization which serves a selected number of students. This structure alone would not justify spending public funds. The potential public purpose benefit could be in the support of renovations to the Tucker Carriage House which will be owned by the Raleigh Housing Authority. A number of efforts have been made to develop a financially feasible plan to renovate this facility. It appears that this group has commitments of approximately $100,000. The cost of the renovations is estimated to be $350,000.

Recommendation: That the City consider the $100,000 funding request as part of the 1986 Capital Improvements Program with the provisions that the Housing Authority indicate its support of the project, and that the private group indicates the availability of $250,000 of other funding commitments by January 1, 1986.

Mr. Walters moved the recommendation as outlined be upheld. His motion was seconded by Ms. Block. Ms. Block indicated she feels that this should be referred back to Arts Together with the idea that they develop with other groups such things as scholarship programs to show additional public purpose. Ms. Cates indicated she feels they have something like that in mind. She stated perhaps they could come back to the City Council and spell out more carefully and more specifically their plans before funds would be budgeted for this item. She pointed out they are talking about a grant and a loan. She stated she and Mr. Walters have been involved in this and she sees no problem with Mr. Benton's recommendation. Brief discussion took place and Ms. Block moved that the Manager's recommendation be amended to the extent that the organization will show additional public purpose such as having scholarships, etc. Ms. Cates indicated she had no problem with that and the motion was amended to that extent and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Ms. Cates suggested that a letter be written by the Manager or the Mayor in order to help Arts Together raise money from the private sector and the body of the letter should read as follows: "The City Council of Raleigh has reviewed the proposal of Arts Together to restore the Tucker Carriage House. The Council has agreed to consider providing funding support for this project provided the Raleigh Housing Authority approves the project, the private sector is able to raise $250,000 and the building remains in public ownership. The City will consider this proposal during the review of the '86 or '87 Capital Improvement Program." Ms. Cates moved that a letter to this affect be sent to Arts Together. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***NATIONAL LEAGUE OF CITIES MEETING - DELEGATE AND ALTERNATE DELEGATE APPOINTED

In preparation for the annual meeting in December, the City Council needs to designate a voting delegate and an alternate voting delegate. The NLC requires that such names be submitted before October 15, 1985.

Mr. Congleton suggested that the Mayor be designated the City's delegate and Mr. Walters as the City's alternate delegate. Mr. Walters indicated he would not be there on Wednesday so he would suggest that Ms. Cates be named the alternate delegate. Without discussion, the Mayor was named voting delegate and Ms. Cates the alternate delegate.

***UNIVERSITY NEIGHBORHOOD PLANNING COUNCIL - PROPOSED TEXT CHANGE TO CREATE PEDESTRIAN BUSINESS DISTRICT - PUBLIC HEARING AUTHORIZED FOR NOVEMBER; CONCEPT OF PLANNER I APPROVED; ADMINISTRATION CONTINUING STUDY

City Manager Benton indicate one item relating to the University Neighborhood Planning Council is a proposed text change to create a pedestrian business district. He indicated the Council may wish to proceed with a public hearing on this item

pointing out Administration has not reviewed it thoroughly as to how it affects parking and Administration will have further comments at a public hearing. He indicated secondly, in terms of support of the ongoing planning effort, he would suggest that City make a two year commitment to the hiring of a Planner I pointing out part of that person's time would be to provide direct support to this effort. He indicated this recommendation this would be with the understanding that 50 percent of the funding would be by the University and 50 percent which would be approximately $23,500 includes salary and benefits. He stated we would continue reviewing the overall plan. Ms. Cates moved that the proposed text change relating to pedestrian business district be sent to public hearing at the earliest possible date and the concept as outlined by the Manager upheld. Her motion was seconded by Mr. Walters and after brief discussion, put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***FAIR LABOR STANDARDS ACT - IMPLEMENTATION OF PERSONNEL PROCEDURES - APPROVED - FUNDS APPROPRIATED

Administration has developed revised personnel policies to comply with the overtime provisions of the Fair Labor Standards Act. According to the Civil Service Act, the Civil Service Commission reviews the proposed revisions of personnel rules and makes comments to the City Manager. The Commission met September 30, 1985, to review the revisions. A summary of the proposed revisions are included in the Agenda packet.

City Manager Benton indicated there are a number of bills pending in Congress that could affect how the City will be affected by the Fair Labor Standards. He explained the Fair Labor Standards Act applies only to four general areas - minimum wage, hiring of juveniles, record keeping and overtime. He indicated the act does not speak to many of the benefits we provide. He stated Administration has attempted to develop a procedure for complying pointing out the City does pay overtime now or provide compensatory time off. He indicated the most difficult area we had to deal with is the schedule of work particularly in the Fire Department. He indicated there is a different set of procedures and requirements relating to public safety - police and fire. He stated Administration has been working on this quite some time and we feel that the proposed new standard procedures do address all of the requirements. He stated they have been reviewed by the Civil Service Commission and they have concurred with one or two minor clarifications.

Personnel Director Dominick indicated we have three standard procedures that will impacted: Standard Procedure 300-5 - Overtime, 300-6 - Call Back and 330-7 - Standby. He went over the new standard procedures explaining the difference.

Ms. Block questioned if there are people who now collect overtime that will not collect overtime under the new procedures. City Manager Benton indicated our present overtime policy is more liberal than the those set by the Fair Labor Standards Act. He indicated people who have been receiving overtime will continue to receive overtime but there may be individual cases in which the overtime is computed differently. He indicated the major difference relates to cumulating comp time pointing out under the new procedure, employees will not have the flexibility that they had under the old schedule as it relates to accumulation of compensatory time. Mr. Calloway questioned why the revised procedures affects some areas more than others. Personnel Director Dominick indicated we have been paying overtime at time and one-half since 1972. He indicated the Fire Department is unique and they are recognized as being unique in the Fair Labor Standards Act and the way you compute their work cycle. It was indicated people will still be paid for the time they work over 40 hours but the way it is calculated may be different. City Manager Benton indicated the City staff has made an effort to try to calculate the budget impact. He indicated the best we can determine at this point the annual cost in the Fire Department will be approximately $92,000 a year. He stated we are unsure of the exact cost for the remainder of the City but our cost will probably increase in the neighborhood of $30,000 to $40,000 per year but it is difficult to predict. He indicated if the Council approves these revised standard procedures that it will also be necessary to transfer a pro rata share of the $92,000 from General Fund Contingency to the Fire Department Suppression Unit for the remainder of this year. He stated there the possibility of residual obligation back to April of 1985 but we do not have the rules on that as yet. Brief discussion took place on how the overtime is figured, how it may affect various job classifications, etc. Ms. Cates moved approval of the revised standard procedures and the transfer as recommended by the Manager. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 641 TF 6.

***ENCROACHMENT - 1400 SOUTH BLOUNT STREET - APPROVED CONDITIONALLY

On September 3, 1985, a request was made by a representative of Cargill, Inc., to encroach into the right-of-way of Blount Street. There is an historic encroachment on right-of-way of 2 to 6 feet in width and extends from Hoke Street southward 1,000 feet. The presented boundary of their property, adjacent to Blount Street, is fenced with a chain link and corrugated sheet metal. An improvement to this area is desirable.

Recommendation: That the City allow an encroachment into the Blount Street right-of-way as requested with the following conditions:

(1) Cargill will submit an engineering survey describing the exact dimensions of the proposed encroachment;

(2) Cargill will prepare plans satisfactory to the City Manager describing a decorative, functional, masonry wall, and solid fencing which the company proposes to construct along the edge of the encroachment extending along the entire Blount Street frontage. The plans will include proper grading back of the curb, either backfilling with decorative stone or planted ground cover, and planting of shrubs. All fencing and landscaping is to be completed no later than December 31, 1987, with the first 200 feet south of Hoke Street being replaced by January 31, 1986; and,

(3) Cargill will provide proof of insurance satisfactory to the City Attorney's Office which would hold the City harmless in the event of any liability resulting from the encroachment.

Mr. Walters moved the Manager's recommendation as outlined on the Agenda be upheld. His motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***AMERICAN INDIAN - CITY TO CO-SPONSOR EVENT - APPROVED

The State Department of Administration has requested that the City co-sponsor a major event in January to honor the American Indian. It is noted that the International Festival Program is planned to occur later in 1986, and will focus on the Indian. The City's role in co-sponsorship would be provision of the Civic Center space (estimated to be $800), assistance in publicity, and assistance in ticket sales.

Recommendation: That the Council approve the City's co-sponsorship of this event. Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted.

***DOWNTOWN EAST HOUSING PROJECT - PHASE I RESIDENTIAL - PUBLIC HEARING AUTHORIZED

Pursuant to Section 10-2072(a) of the City Code provides for Council to grant a special use permit for residential projects which exceed the density generally permitted by the underlying zoning district within downtown's special high-density residential area. NCNB Community Development Corporation has submitted a site plan for its project on the south side of the 200 Block of East Davie Street.

Prior to granting the special use permit, an evidentiary hearing is necessary. The site plan is being reviewed by the Planning Commission.

Recommendation: That the Council establish a public hearing for October 15, 1985, to consider the site plan. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voted in the affirmative. The Mayor ruled the motion adopted.

***DOWNTOWN EAST HOUSING PROJECT - PHASE II - REFERRED TO THE PLANNING COMMISSION; PUBLIC HEARING AUTHORIZED FOR NOVEMBER 5

As a requisite for the City to acquire land for redevelopment purposes, it is necessary to follow a process leading to approval of a Redevelopment Plan. A copy of the Redevelopment Plan was included in the Agenda packet. It is noted that any land acquisition would occur after the efforts by NCNB, and any land acquisition by the City would be covered by subsequent sale to NCNB.

Recommendation: That a public hearing on the Redevelopment Plan be authorized for November 5, 1985. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUBDIVISION S-91-85 - LEADMINE ROAD AREA THOROUGHFARE EXTENSION - AGREEMENT AUTHORIZED

Included in the Planning Commission report was S-91-85, Emerald Chase Cluster Unit Development. A major feature of this subdivision is "Leadmine Road" extension to Strickland Road. A part of this new road is already under construction on another development tract.

The City Administration has worked with the developers in this area to determine how to get this road completed in an expeditious manner. Included in the Agenda packet was a proposed agreement. Its major features are:

1. The developers will extend the road to Strickland Road;

2. The City will reimburse for the cost of the extra width over the normal residential street width of 31 feet and section of sidewalks not required under City code; and,

3. The City will reimburse in 3 equal annual instalments following completion and acceptance of the road.

The City has a standard policy of reimbursing developers for oversized streets. The reimbursement is normally over a 10-year period. This 3 year plan is proposed to get the full street built at this time rather than waiting for each development phase to build a section of the road.

Recommendation: That the Council approve the agreement to build "Leadmine Road" to Strickland Road. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***OLIVIA RAINEY LIBRARY - NO ACTION

City Manager Benton indicated he had hoped to be able to make a report on the sale of the Olivia Rainey Library Building but he is not ready to make the report as yet and hopefully, he would have it by the next meeting.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

None.

REPORT OF MAYOR AND COUNCIL MEMBERS

***WATER AND SEWER AUTHORITIES - REFERRED TO PUBLIC WORKS COMMITTEE

Mayor Upchurch indicated at a meeting with the County last week, there was discussion pertaining to Water and Sewer Authorities. He indicated he made a report that City Manager Benton had prepare for the City. He stated he would like to refer this report to the Public Works Committee so that the City could take an official stance on this item. Without objection, the item was referred to Public Works Committee.

***COUNCIL COMMITTEE - TO EXPEDITE COUNCIL MATTERS - APPOINTED

Mayor Upchurch indicated very shortly Mr. Keller, Ms. Babb, Mr. Calloway and Ms. Block will be going off of the Council. He stated prior to that time, he would like for them to meet as a group and discuss the activities of the Council and make recommendations back to the Council on what they need to do to expedite matters of the City Council. He stated what he is suggesting is that this group, pool their experience and come up with suggestions to help Council matters move along more efficiently.

***ENCROACHMENT - AGENDA ADD ON - AUTHORIZED

Mayor Upchurch stated as a point of personal privilege, he would like to add a Ms. Edwards, representing Drewry Hills Garden Club, to the night Agenda to discuss an encroachment on City right-of-way. Without objection, the item was added.

***TRANSFER OF DENSITY - OUT OF WATERSHED - REFERRED TO STAFF

Mr. Congleton indicated there have been brief discussions about transfer of density out of the Falls Watershed. He indicated the staff says that a variety of things could take place pointing out they have worked with the Institute of Government, State law, etc. He stated we now have some new enabling legislation from the General Assembly and he feels it would be appropriate and would like to see staff go back and research some of these ideas and come back with a specific recommendation relative to transfer of density of out of watersheds. Without objection, the item was referred to Administration.

***TRAFFIC - NICHOLS STREET - REFERRED TO ADMINISTRATION

Ms. Babb indicated she has received some complaints relative to truck traffic on Nichols Street just off St. Mary's Street. She indicated the people are complaining that many times heavy trucks come through between 4:00 and 5:00 a.m. pointing out she felt they were going to the grocery store at Cameron Village. She asked Administration to look at this situation.

***BARB WIRE - LAKE BOONE TRAIL AREA - REFERRED TO ADMINISTRATION

Ms. Babb indicated the Law and Finance Committee is discussing a proposed ordinance to prohibit the use of barb wire in the City. She asked if the Law and Finance Committee could go ahead and discuss this item. City Attorney McCormick indicated he had sent the proposed ordinance to Committee Members. Ms. Babb indicated on Lake Boone Trail between Landmark Apartment and Meredith Village, there is a chain link fence with barbed wire on top of it. She stated she saw absolutely no need for that barb wire and asked Administration to look into the situation.

***TRAFFIC - TOWER SHOPPING CENTER AREA - COMMENTS RECEIVED

Mr. Keller explained a recent incident in which he was going to Tower Shopping Center and tried to make a left turn off New Bern Avenue to go into Tower Shopping Center. He indicated the traffic situation is horrendous and a new motel is going up in that area. He indicated he knew this was a State system street but maybe Administration could ask the State to look at the situation. He stated in his opinion, there is no excuse for allowing U-turns at this intersection. City Manager Benton indicated he

may have a report at the next meeting on this item. Mr. Walters indicated there was a serious accident there recently and pointed out part of the problem is that the curves are flat and many accidents occur in this location.

***TRAFFIC - SPEED LIMIT ON SPRING FOREST ROAD - REFERRED TO ADMINISTRATION

Mr. Walters pointed out the 1300 Block of Spring Forest Road is two lanes. He indicated parts of Spring Forest Road are five lanes and the speed limit is 45 miles per hour in some areas and 35 in others. He indicated on Spring Forest Road down from the Fire Station at the bottom of hill, it is two lanes and the speed limit is 45 miles per hour. He stated he thought the 45 mile per hour speed limit is fine where Spring Forest Road is five lines but where it is two lanes, it should not exceed 35 miles per hour. Without objection, the item was referred to Administration.

***CARS - ON PRIVATE PROPERTY - REFERRED TO ADMINISTRATION

Mr. Walters indicated there is a situation at 2235 Rumson Road where there are seven cars parked in the yard almost all the time. He indicated this has been investigated by Administration on several occasions. He indicated the neighbors think that the people are repairing cars and selling cars in their yard. He stated another situation is on Glascock Street on the street between Brookside and State Streets. He stated they have approximately a half a dozen cars parked in the yard their. He indicated another location was at the corner of Bertie and Colleton Road in which they have four cars parked in the yard with for sale signs. He asked Administration to look into the situation.

***PARKING RESTRICTIONS ON CLARENDON CRESCENT - LIFTED ON OCTOBER 18

Mr. Walters indicated in October of each year, there is a teacher's conference at Enloe High School. He stated in the past, we have lifted the No Parking restrictions on Clarendon Crescent between Lord Ashley and New Bern Avenue during this meeting. He stated this year, it is scheduled for October 18 between 8:00 a.m. and 1:00 p.m. Mr. Walters moved that the No Parking restrictions be lifted on that date as he has explained. Without objection, this was agreed to.

***FERNDALE CONNECTOR - COMMENTS RECEIVED

Ms. Cates indicated she wanted to make some comments about Ferndale Lane indicating she wanted to make these at the Public Works Committee but Ms. Block ruled her out of order. She stated the only plans she has seen from DOT on Ferndale Lane has to do with moving cars. She stated we are talking about running a five lane thoroughfare through a historical and fragile area. She indicated perhaps a larger scope of the plan would include landscaping and planning efforts that would lessen this impact. She stated she would also like to see plans of how the old Oberlin Road would be utilized if it is closed. She stated she sees looking at the Ferndale connector as a Comprehensive Land Use Plan for this area. She stated she would like this information to go out to the University Task Force and the Merchants Task Force. She stated she is aware that other groups are interested in the Ferndale connector and if this road is built, it should be sensitive. She stated she has a definite need to see a sensitive plan for this area. She stated she understands we are not taking any more steps here until the transportation update of the Comprehensive Plan is completed, therefore, she is hopeful that no more steps will be taken on the Ferndale connector until these actions are taken, that is, a plan that shows the sensitive treatment of the area and an update of the transportation element of the Comprehensive Plan.

***SIDEWALK ORDINANCE - REFERRED TO PUBLIC WORKS COMMITTEE

Ms. Cates indicated she would like to refer the Sidewalk Ordinance to the Public Works Committee pointing out the matter she is concerned about is the requirement to use the same material for an entire block when constructing sidewalks. She indicated all around the City she sees sidewalks that have two or three different type materials in the same block and she feels we need to review this ordinance. Without objection, the item was referred to Public Works Committee.

***TRUCKS - WALL RELATIVE TO COVERING - ADMINISTRATION TO WRITE LETTER

Ms. Cates indicated she is concerned about trucks carrying trash and debris around the City being covered. She indicated in reading the Home Builders Association Magazine, she sees where the City Manager and the Inspections Department utilize that vehicle for writing letters to get information out to concerned people. She stated she would like for Administration to write a letter to the Home Builders Magazine pertaining to the necessity of builders and contractors covering trucks that is carrying trash, building material, debris. City Manager Benton indicated he would be glad to follow up on that.

***PUBLIC NUISANCE - CROSS LINK/SAVANNAH - STATUS REPORT REQUESTED

Mr. Calloway indicated on several occasions, he has spoken to Administration relative to three houses which have been moved to the corner of Cross Link and Savannah Drive. He indicated the houses are still setting there in a dilapidated condition and nothing has happened in the last ten months and he would like to have an update on the status. Without objection, the item was referred to Administration.

***ZONING TEXT CHANGE 17 - PLANNING COMMISSION ASKED TO SEND FORWARD

Ms. Block indicated she had talked with several members of the Planning Commission relative to the need to get Text Change 17 out. She indicated this text change deals with the number of residences allowed in the Thoroughfare District. Ms. Block moved that the Planning Commission be officially requested to act on TC-17 as soon as possible and forward it to the City Council. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PRIVILEGE LICENSE - ENTERTAINMENT CENTERS - REFERRED TO LAW AND FINANCE COMMITTEE

Ms. Block indicated Administration has provided a report on the cost of licensing an entertainment center. She stated we are in no way coming close to recouping our cost as it relates to the investigations, etc., that have to be undertaken in order to issue a privilege license. She asked that this matter be referred to Law and Finance Committee for study. Without objection, the item was so referred.

***DOWNTOWN COMMITTEES - INFORMATION REQUESTED

Ms. Block indicated at a recent Council Meeting, she asked the Mayor and the City Manager and they did explain the number of committees dealing with downtown, their activities, etc. She indicated she really thinks it is time that we may consider combining some of these groups. She asked that Administration look at this possibility and also give information on the functions of these various groups.

***COUNCIL MEETING - MS. BLOCK EXCUSED FROM EVENING PORTION

Ms. Block indicated she would like to be excused from the evening portion of the meeting. Without objection, Ms. Block was excused.

REPORT OF CITY CLERK AND TREASURER

***MINUTES - SEPTEMBER 17 AND 19 - APPROVED AS PRESENTED

The minutes of the September 17 and 19, Council Meetings as well as the joint hearings with the Planning Commission were presented. Mr. Calloway moved approval of the minutes as presented. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PRELIMINARY SEWER ASSESSMENT ROLL 1025 - RESOLUTION ADOPTED

Preliminary Sewer Assessment Roll 1025 will be presented. This resolution sets out charges for the installation of a sanitary sewer main in Evergreen Avenue. Adoption of the preliminary assessment roll is recommended which would set a public hearing to consider confirmation of costs at the November 19, 1985, Council Meeting. Mr. Calloway moved adoption of the resolution as recommended. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 957

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1025

WHEREAS, by Resolution No. 1985-757 adopted by the City Council on April 2, 1985 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU-1985-8, Installation of approximately 850 feet of 8-inch sanitary sewer main in Evergreen Avenue off Lake Wheeler Road from existing main to dead end.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $22,152.64.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is per lot.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	AMOUNT ASSESSED
Samuel A. Johnson & Wiloree	1	0036351	43	$1,384.54
Samuel A. Johnson & Wiloree	2	0036347	44	1,384.54
Jennings B. Johnson & Martha	3	0091154	45	1,384.54
Jennings B. Johnson & Martha	4	0063002	46	1,384.54
Samuel A. Johnson & Wiloree	5	0036346	47	1,384.54
Samuel A. Johnson & Wiloree	6	0036345	48	1,384.54
Samuel A. Johnson & Wiloree	7	0036344	49	1,384.54
Samuel A. Johnson & Wiloree	8	0036348	31	1,384.54
Heater Well Co., Inc.	9	0029796	32	1,384.54
Christopher O. Tillman	10	0055342	33	1,384.54
Paul J. Krockman & Ruby	11	0040023	34	1,384.54
John B. Terry	12	0069878	35	1,384.54
John B. Terry	13	0069879	36	1,384.54
John B. Terry	14	0069877	37	1,384.54
John B. Terry	15	0032451	38	1,384.54
John B. Terry	16	0029971	39	1,384.54

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1025 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 5th day of November, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 10/1/85

ADJOURNMENT

There being no further business, the meeting adjourned at 5:15 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk
jj/cc1/1

The City Council of the City of Raleigh met in regular reconvened meeting on Tuesday, October 1, 1985, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Ms. Block - Absent and Excused

Mayor Upchurch called the meeting to order indicating Ms. Block had asked to be excused from the night portion of the meeting. Without objection, she was excused. The following items were discussed with action taken as shown.

REQUESTS AND PETITIONS OF CITIZENS

***ZONING - SIZE OF COSMETOLOGIST OPERATIONS - REMOVED FROM AGENDA

Helen Winslow Pollard had requested permission to discuss O&I zoning regulations relating to the size of the operations of cosmetologist. Mrs. Pollard was not at the meeting. The City Clerk indicated possibly there was miscommunication on her part and Mrs. Pollard did not know to come to the meeting tonight. It was agreed to hold the item and place it on the next Agenda if Mrs. Pollard wanted to attend.

***EASEMENT EXCHANGE - WESTBROOK NORTH SUBDIVISION - APPROVED

Henry S. Manning, Jr., representing White Forbes Group, Inc., was at the meeting requesting permission to exchange 1,090.91 square feet of dedicated street easement owned by the City for 10,151.40 square feet of property owned by the White Forbes Group who are developing Westbrook North Subdivision. He indicated the White Forbes Group had filed a plat which dedicated the 1,090.91 square feet to the City. He indicated then they found when platting off the lots that some of the lots did not conform, therefore, they wanted to realign the cul-de-sac and in doing so, take back the 1,090.91 square feet dedicated to the City and in exchange, they would give the City additional street easement amounting to 10,151.40 square feet. City Manager Benton indicated the original plat totally rendered two lots unbuildable. He indicated Administration recommends the exchange. Mr. Calloway moved the exchange be authorized as outlined. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. They Mayor ruled the motion adopted.

***REHABILITATION WORK - 112 EAST LENOIR STREET - TO BE PLACED ON THE OCTOBER 15 AGENDA

Representatives of Mrs. Addie G. Stroud would like to discuss problems they have with the rehabilitation work done at 112 East Lenoir Street by the Community Development Program and ARC Construction.

City Attorney McCormick indicated a legal claim has been filed against the City regarding this property and these same repairs, therefore, he would urge the Council not to make any promises or take any position on the statements that will be made.

Attorney Kevin Byrd, representing Irene T. Lane and Addie G. Stroud, was at the meeting to explain rehabilitation work which was done at 112 East Lenoir Street by the Community Development Program and ARC Construction Company. He indicated his client was told prior to signing the contract that all of the work would be done by contractor licensed by the State. He indicated in checking on September 20, 1985, there is no record that ARC Construction or Leon Allgood is a State licensed contractor. He does have a City of Raleigh privilege license. He indicated any work subbed out that amounts to over $20,000 has to be done by a State licensed contractor and in this particular case, the amount of work was $25,825, therefore, he feels that this broaches on breach of contract. Attorney Byrd indicated Mr. Allgood began the work and his client noticed inferior work and immediately notified the Community Development Department. He indicated the contractor's work was not only inferior but he was very slow and slowed down the other contractors. He indicated representatives of the Community Development Department came out and looked at the work and said that everything would be taken care of. He indicated Mr. Allgood became upset, boarded up the structure and did not do anymore work for five months. He indicated in March, representatives of the Community Development Department came out to look at the work and the complaints his client had. He indicated his client asked for another contractor in March and the Community Development representatives agreed. He indicated he felt the problem is that Mr. Allgood got two-thirds of his money before he started the work pointing out he almost forced his client to sign an agreement. He indicated in April, Mr. Allgood did a little work and said he was through with the project and the Community Development said that the work had been completed and wrote his client a letter indicating the work had been completed in a satisfactory manner. He invited each and every Council Member to go out and look at the work and see if they would be satisfied. He indicated his client was disappointed with the work and the length of time it took. He stated he would like to get the work done in an acceptable manner and since she is unable to work with ARC Construction Company and the Community Development Department, she got another contractor to tell her how much

it would cost to finish the work in an acceptable manner and was given an estimate of some $30,000. He indicated in addition to the time loss and money loss, his client has suffered tremendous emotional strain.

City Attorney McCormick indicated this is being investigated by our insurance company and in response to questioning, indicated he did not know how long it would take. Mr. Walters indicated it looks like we could go ahead and investigate this from the City Manager's standpoint without prejudicing our case. Mr. Calloway indicated he has seen the work and it seemed to him that something could have been done prior to the case reaching this point. He stated the work is very poor and it seems to him as if our Community Development Department let us down by not monitoring the work closer. Ms. Cates moved that we accept Attorney Byrd's report and refer it to Administration and put it on the October 15 Agenda for an update. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously.

***PARK AND RECREATION FACILITIES - USE FOR POLITICAL AND RELIGIOUS ACTIVITIES - REMOVED FROM THE AGENDA

Noel Cookman had requested permission to discuss the City's policy relating to use of park and recreation facilities for political and religious activities. The City Clerk indicated Mr. Cookman had asked that the item be withdrawn from the Agenda. Without objection, the item was withdrawn.

***STREET CLOSING - 500 BLOCK OF EAST HARGETT STREET - APPROVED - FEE WAIVED

William E. Williams, representing Wake County Opportunities, Inc., and other community agencies, was at the meeting to request the closing of the 500 Block of East Hargett Street on Saturday, November 2, 1985, from 12:00 noon to 5:00 p.m., in connection with the Southeast Raleigh Fall Festival. He indicated this festival is being sponsored to foster community activities and promote participation in neighborhood events. He indicated they would also like to request November 9, 1985, as a rain day. He stated in addition, they are requesting waiver of the $50 filing fee because of the non-profit status of this event.

City Manager Benton indicated the staff has no objection with the stipulation that the sponsors would provide barricades and physically close the street and notify the Emergency Communications Center when this is done. Ms. Cates moved the closing be approved including waiver of the fee with the stipulation outlined by the Manager. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ENCROACHMENT - GLENDOWER DRIVE - APPROVED CONDITIONALLY

Penny Greene, representing Development Associates, Inc., was at the meeting to request permission to enter into an encroachment agreement in order to install a subdivision identification sign in an island in the right-of-way of Glendower Drive. She explained ever since the development began, they had planned for this curved median to be landscaped and the full 80 foot right-of-way was dedicated. She stated they wanted to get the encroachment agreement in order to allow them to erect the sign and landscape the median.

City Manager Benton indicated Administration has no objection to the encroachment being authorized provided that the sign be of wood construction and constructed such that it will break away on impact and that its height and location be such that it does not create a vision obstruction for motorists using the intersection and that the plans be submitted to and approved by the Department of Transportation prior to issuance of a permit. Brief discussion took place with Ms. Greene indicating they will not be extended into the right-of-way. Brief discussion took place and Ms. Cates moved approval of the standard encroachment agreement including insurance and hold harmless and with the understanding the sign would be as outlined by the City Manager. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ENCROACHMENT - DREWRY HILLS GARDEN CLUB - REFERRED TO THE LAW AND FINANCE COMMITTEE

Jolene Edwards, president of the Drewry Hills Garden Club, was at the meeting indicating they would like to replace an entrance sign at the intersection of Drewry Lane and Anderson Drive on the City right-of-way. She indicated the sign would be of brick construction with bronze letters for the words "Drewry Hills." She stated they have had the sign designed and the estimated cost is $1,800. She stated the sign does conform to all sign ordinances as to height, square foot area, visibility, etc. She stated, however, it is on City right-of-way and they have been informed that they will need to get an encroachment agreement from the City and they are asking the City for the agreement as well as a waiver of the new regulation of a $50 fee for an encroachment agreement and for the yearly insurance coverage. She stated that this new regulation is very viable for commercial signs on City right-of-way but they feel it should be waived in the case of an entrance sign for an existing neighborhood that will enhance and beautify the intersection. She presented a blueprint of the entrance sign and photographs of the area in which they want to erect the sign. She briefly explained how the sign would look pointing out they want to cut back into the hill and place the brick structure into the hill. Mayor Upchurch indicated this is a significant structure and he feels maybe it should be referred to Committee. Brief

discussion took place on the location and the fact that the City has recently cut some trees in this area because of visibility problems. After brief discussion by general consensus, the matter was referred to Law and Finance Committee.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

None.

MATTERS SCHEDULED FOR PUBLIC HEARING

***PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming costs for abating public nuisances as outlined below:

712 Tower Street - Wiley Hunter Ayers - $74.00. No one asked to be heard. Ms. Babb moved adoption of a resolution confirming costs as outlined. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted. See Resolution 959.

1236 New Bern Avenue - Mary Curtis Barnhill, Heirs - $90.00. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn as the charges have been paid. Without objection, the item was withdrawn.

312 Hill Street - Olivia Bryant Williams - $63.00. No one asked to be heard. Mr. Keller moved adoption of a resolution confirming costs as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 959

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Wiley Hunter Ayers	712 Tower Street Lot 43, Block B-141, Map D-34, ID No. 0034390	$ 74.00
Olivia Bryant Williams	312 Hill Street Lot 6, Block G-47, Map G-3, ID No. 0009454	$ 63.00

Section 3. That this resolution shall become effective October 1, 1985.

Adopted: 10/1/85

***UNFIT DWELLINGS - 704 BRIGHAM ROAD - ORDINANCE ADOPTED EFFECTIVE NOVEMBER 6; 2308 ELLERBE LANE - WITHDRAWN; 911 NEW BERN AVENUE - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance finding the following dwellings unfit and directing that they be placarded:

704 Brigham Road - Robert E. Ward, Jr. A representative of Mr. Ward indicated he had been contacted by the person who handles this rental about two months ago and told to

check into the situation and find out what is wrong and make any repairs. He indicated the property owner was in the process of trying to evict the renter because of non-payment of rent. He stated the courts have been involved in this and the tenant has been given additional time and will not be evicted. He indicated he can now get into the property and try to make the repairs. He stated the repairs would be made, it was just a matter of trying to get in to get the work done. In response to questioning, he indicated the repairs could be made in just a short while. Ms. Cates moved adoption of an ordinance declaring the dwelling at 704 Brigham Road unfit effective November 6. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 647

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Robert E. Ward, Jr.	704 Brigham Road

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective November 6, 1985.

Adopted: 10/1/85

Effective: 11/6/85

911 New Bern Avenue - Will A. and Betty H. Hudson. No one asked to be heard. Mr. Calloway moved adoption of an ordinance directing placarding. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. They Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 646

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Will A. and Betty H. Hudson	911 New Bern Avenue

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective October 1, 1985.

Adopted: 10/1/85

2308 Ellerbe Lane - William J. and Makina A. Berry. Housing Inspections Supervisor Bartholomew asked that this item be withdrawn from the Agenda as repairs have been completed. Without objection, the item was withdrawn.

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 7:30 p.m.

Gail G. Smith
City Clerk

jj/cc2/2